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CHRONICLES OF THE BUILDERS.

CHAPTER I.

POLITICAL HISTORY AND GOVERNMENT IN CALIFORNIA.

Mission Establishments—California Under Spanish and Mexican Rule—Acquisition by the United States—Discovery of Gold—Organization of Government—Elections and Legislative Proceedings—The Judiciary and Military—Party Politics and the Progress of Affairs.

Conquest and occupation north of the ancient Aztec boundaries in Mexico declined with the waning of the Cortésian era of adventure. Treasure-hunting became unprofitable, the gilded cities of Cíbola proved a fleeting fancy, and even the pearls of Lower California eluded search, while the interoceanic passage retreated into ice-bound regions before the disappointed explorers.

Silver mines were gradually disclosed, however, and gave impulse to road-making and town-building along the coast, and to the establishment of lines of presidios for the protection of advancing settlements against roaming savages, who, unlike the gentler tribes to the southward, could not readily be made amenable to encomienda enslavement. So far the friars had followed in the path of the conquerors, or accompanied them as mediators. Now their services were invoked to prepare the way for subjugation, although they strove in the interests both of the church and themselves, to retain the control acquired at such risk, and to protect the natives against serfdom.

With the advance of missionaries into Sonora, interest in the opposite peninsula revived, and successful pearl-fishing was attended by several futile attempts

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to form settlements. The soil was too barren. But no obstacle could stand in the way of religious zeal. The Jesuits undertook the task, and aided by contributions from the pious, they gradually built up a line of missions parallel to the gulf of California. The attendant presidios protected the growth of a few farms and villages, and in due time the province attained the dignity of a government.

Thus passed two centuries without any northwestward extension of domain beyond the Jesuit establishments of Sonora and Lower California. Then came news of the Russian entry from the Asiatic side, arousing the jealousy of Spain, whose government became thereupon impressed with the need of a refitting station on the upper coast for the Manila galleon, together with the desirability of carrying the presidio line northward into the land of the encroaching Apaches. Coupled with this was the laudable service to God and Mammon in bringing the benighted heathen within church bondage, for the benefit of an endowed priesthood, and the pockets of prospective settlers.

The energetic visitador-general, Galvez, was accordingly charged to occupy Upper California, which he did in 1769, by means of a sea and land expedition from the peninsula, fitted out mainly from mission resources, the troops and friars being under the command of Governor Portolá and Father Junípero Serra. With this force was founded San Diego mission, protected by a guard under Rivera y Moncada, and soon after by a presidio. This first result was not attained without many troubles, notably from delayed supply vessels, and the prevalence of scurvy, which almost caused it to be abandoned. In the following year was established the chief station and future capital in the presidio of Monterey, enclosed at first within a parallelogram of adobe, with tile roofing, upon an outer stone foundation, divided into barrack rooms, family suites, warehouses, shops, corrals, and church. In time, with conversion and assured security, houses were built around it, forming a settlement, in which were domiciled natives, who from the first were impressed both for mission and barrack labor.

Between this station and San Diego rose several missions, five being in existence in 1772. By this time the Franciscans, who had undertaken the task, became so impressed with the fertility and prospects of the new field, that they hastened to secure its exclusive control by surrendering their Lower California foundations to the Dominicans. Nineteen friars were consequently obtained for Alta California, subject to the president at the head mission of San Cárlos, near Monterey. Nevertheless their labors were hampered by the scanty means at their disposal for planting new missions and raising sufficient crops at the existing establishments to attract and retain converts, for the souls of savages are to be found in their stomachs. Rude huts and outlying rancherías constituted for some time the chief abode of the fluctuating population. Another obstacle presented itself in the disorderly conduct of the guard, of from six to sixteen soldiers, over whom, however, the friars soon gained better control, persuading many to conciliate the natives by intermarriage. Progress was further checked by the jealous restrictions of the government in forbidding trade with foreigners, and by the regulations enforced as to the Manila galleons. Traffic must be confined to the government transports from San Blas, under the imposition of heavy percentages to cover expenses.

The civil and military authority was vested in Lieutenant Pedro Fages, commandant at Monterey and subordinate to the governor of the Californias at Loreto. His force, in 1773, consisted of sixty men, twenty-five of whom were Catalan volunteers, of his own company, the rest regular *soldados de cuera*, supplemented by a body of Indian laborers from the peninsula, a few servants and mechanics, besides the growing neophyte population under the friars. The supervision naturally devolving upon the military head in command of the mission guard, and through whom must be obtained the government orders, was galling to the padres, and gave rise to frequent disputes, which Fages embittered by a haughty and capricious attitude, and by meddling in mission affairs. President Serra went in person to Mexico to plead his cause, and succeeded in obtaining for the missionaries almost entire liberation from military interference, and the appointment in 1773 of a new ruler in the person of Captain Rivera y Moncada, a mild, irresolute, and incapable man. The force at his command was increased to eighty men, with a pay list of $39,000. A portion of this sum came from the pious fund, created by donation for missionary work in the Californias, and which yielded at this time nearly $21,000 a year, two thirds of it being absorbed by stipends.

Rivera failed to please his superiors, and after four years was transferred to the charge of the peninsula, the governor, Felipe de Neve, major of provincial cavalry, being sent to Monterey, which thus became the seat of government for both Californias. The greater importance of the upper country was further recognized by measures for enlarging occupation by founding a third presidio, at San Francisco, with a mission attached, and for aiding it by reënforcements, and by colonization. The first foundation in 1777 was the now prominent town of San José, which set a laudable example to the mission farms by undertaking the first irrigation work of any magnitude.

Neve was a man of marked ability, who only required opportunity to demonstrate it. He saw at a glance that the existing regulations were for a country so promising altogether defective, and he prepared a plan more suitable, of broader possibilities, which was adopted with slight modifications. Under it was included a fourth presidio at Santa Bárbara, a second pueblo at Los Angeles, an increase of missions to eleven, and of troops to two hundred, with four lieutenants, most of them to be retained at the presidios, the guard at the missions being reduced to about six men. The pay list was limited to $53,500, on account of the local food contributions and the abolition of extra rates for supplies from Mexico. Pueblo settlers were to receive an allowance of $116.50 for the first two years and $60 for the next three, in goods at cost prices, and also a lot and field, together with the loan of live stock, seed, and implements. In return they must be prepared with horse and arms for military emergencies, perform certain community labor, sell their products exclusively to the presidio, and not own more than about fifty head of any one kind of stock.

Notwithstanding these favorable conditions, commercial restrictions, missionary opposition, and innate indolence hampered progress. One cause, moreover, which inflicted a lasting wound on loyalty, appeared in the form of vagrant and convict settlers, with some of whom Branciforte was founded. The outcry obliged the government to change its policy in this respect. A worse influence was exercised by the labor of Indians which, as the Mexicans claimed, made work degrading. To the former, therefore, was left all field labor by the lazy and proud settlers, who in return demoralized and oppressed the natives, resorting even to kidnapping and other outrages. Thirty families only were introduced for the pueblos; but their offspring, and the accession of retired soldiers, married partly to Indians, raised the population of the three towns by 1800 to fully five hundred. At first the governor appointed comisionados to supervise affairs, but within a few years elections were permitted of alcaldes and regidores to join in the administration.

It had been hoped that the natives would develop under the guidance of the friars so as to permit the speedy transformation of the missions into pueblos; and to this end the authorities lent their aid by introducing artisans to teach them trades, and by causing the early election among the older communities of local officials for training in self-government. But the padres were naturally opposed to relinquishing their control of affairs. They availed themselves, therefore, of the natural indolence and stupidity of their wards to keep in pupilage and serfdom even the local officials, elected, indeed, at their direction. Their policy was to allow the guard or presidio troops to inspire fear by prompt chastisement of offenses, while they interposed as mediators and protectors. This policy of threatened vengeance on the one side, and paternal love on the other, sustained the ascendency of friar influence, and served to restrain disobedience and outbreaks, so that military operations were rarely called for, except against roaming marauders.

Under the regulation of 1781 it was proposed to complete a line of equi-distant missions along the coast, before planting a second interior line, and to try a system of conversion among the established villages of the Santa Bárbara channel, without forming mission communities, or giving temporary power to the friars; but to the latter scheme the ecclesiastics presented so obstinate though quiet a resistance that it was finally abandoned. Industrial training and control of food resources were essential to conversion and reform, they argued. With armies of serfs to herd cattle, till the soil, and build churches, the missions prospered, and the bishop, residing in Sonora, joined greedily with the temporal authorities in urging the commencement of secularization, but ecclesiastical diplomacy prevailed.

The able, patriotic, and dignified Governor Neve was promoted to the Provincias Internas in 1781, where he succeeded to the chief command, a position second only to that of the viceroy. Through the influence of his wife's family, Colonel Fages was now restored to California, with feelings toward the padres softened by a benevolent piety, yet not altogether able to avoid their displeasure at his honest devotion to duty. He therefore resigned, and was followed in 1791 by Lieutenant-colonel J. A. Romeu, who had served under him, and who possessed especial qualifications for financial affairs, so rare among California officers. Unfortunately, he fell ill, and died within a year. He was succeeded, after an interim administration under the complacent favorite of the friars, Captain Arrillaga, by Colonel D. de Borica, adjutant-inspector of presidios in Chihuahua, a kind and jovial man, endowed with tact and practical good sense. His absence, in 1800, brought back Arrillaga to the helm during the troublous period of the Mexican revolutionary war. In 1804 the peninsula was released from the condition of an ~~appendage~~ a [illegible] to upper California, owing to distance and the inconvenience of transmitting reports by the circuitous route of Monterey.

California was not deemed important enough to be directly affected by the foreign or civil wars of Spain, but indirectly she suffered many ills. She was compelled to submit to demands for contributions toward the war fund, and many a false alarm kept her in suspense, attended by elaborate defence measures, such as strengthening the feeble fortifications, and the organization of a militia in 1806. The intrusion of English traders on the northwest coast led to the Nootka squabble in 1788–90, which opened the door to the United States, and brought forward the gradual limitation of Spanish sway to the south of latitude 42°.

The Russians were similarly restricted to the north of 54° 40′, yet with an appreciation of the fur resources southward, which to them were the all-important inducement, they visited California in their search for other hunting grounds, and thus becoming acquainted with her agricultural wealth, perceived the advantage of procuring their staple provisions at a market so much nearer and cheaper than those hitherto patronized. The preoccupation of Spain in European wars had led to a neglect of California's interests, and to a reduction of her garrisons, so that it was not difficult to persuade the governor to permit an infringement of the stringent laws against foreign trade. This arranged, it became convenient for the Russian-American company to establish a station in proximity to the bay, Bodega being selected as the site in 1809; and here they sustained themselves in face of all protests, relying on Spanish weakness, and subsequently on Mexican preoccupation in civil wars. Some, indeed, attempted to lay claim to territorial ownership by virtue of this long occupation, but the tzar felt no inclination to burden himself with so remote and isolated a region, and thus in 1841 the Russians abandoned a post which had become unprofitable. Their suspected design had meanwhile led to the foundation on the north side of the bay of two missions and a fort, to uphold the Spanish title, and expeditions had been sent to explore the interior valleys, up the Sacramento and to Trinity river.

The effect of the Mexican revolution against Spain was first observed in preliminary political concessions by the mother country, such as representation in the córtes, of which no use was made by California. Then came the stoppage of money and supplies for the garrisons, a hardship affecting all classes. The settlers, and especially the missions, were called upon to furnish provisions against treasury orders which were never paid, and forbidden to accept the tempting offers of traders hovering about the coast. The padres lost their stipends, but none suffered as did the soldiers, who were confined to garrison duty upon scanty rations and in tattered uniform, forbidden to complain or to retire to country life. Under such privations the restrictions against foreign intercourse could not be maintained. Friars and colonists hastened to exchange their surplus grain, and particularly hides and tallow, for the hardware, dry goods, and fancy articles of the trading vessels, now increasing in numbers. Even officials openly engaged in the traffic with their own or the presidial property, or such as could be obtained by forced levies upon the missions.

These irregularities, together with the Russian encroachment, induced the viceregal government, during an interval of success against the insurgents, to furnish a few supplies, and to install, in 1815, a more capable governor at Monterey in the person of Lieutenant-colonel P. V. de Sola, lately habilitado-general for the province. The rule of the devout and popular Arrillaga, who died in 1814, had been somewhat too apathetic to please his superiors, and his lieutenant, J. Argüello, who succeeded him, was transferred to the peninsula, partly on account of his wrongly suspected disloyalty.

Sola took prompt measures to carry out his orders for restricting traffic, but the pressing wants of the troops, and the resolute though passive resistance of the inhabitants compelled him to yield. Rather than countenance the loss of revenue by smuggling he permitted trade, subject to an import and export duty, which did much toward covering military expenses. An additional sum was obtained by forced requisitions upon the missions and settlements. The removal of commercial restrictions gave an impulse to stock-raising and farming, and opened an era of prosperity, despite the pressure of a heavy presidio establishment, wherein was vested all authority, even over local communities; for the friars, as well as the honorary village officials, could do little or nothing without gubernatorial sanction. On the other hand, this intercourse, with its free interchange of commodities, served to blight the industrial revival inaugurated by Borica. Immigration from Mexico ceased, and with it the influx of desirable artisans. The incipient enterprise among the mission Indians also disappeared, or was diverted into channels promising more immedate and tangible results.

The revolutionary period, however, did not pass without disturbing for a time California's tranquility. Privateers were creeping along the Spanish-American coasts, and their presence, indeed, had much to do with the absence of supply vessels. The rumors of wealth circulated by trafficking missionaries failed not to reach the ears of this fraternity, and in November 1818 two vessels under H. Bouchard came to gather spoils. Warned by reports from the Hawaiian islands, steps had been taken for defence, and for hiding or carrying into the interior all portable goods, so that the marauders were not only disappointed in their expectation of booty, but on entering Monterey for supplies were severely handled by the batteries. The enraged Bouchard thereupon revenged himself by capturing the town and giving it up to pillage, together with some other points to the southward.

The worst effects of this raid came in the form of ë reinforcements from Mexico, consisting of disorderly troops, which swelled the garrisons from about four hundred to seven hundred men, and imposed an additional burden upon the people; for no supplies accompanied the influx, and only a trifling instalment upon the heavy debt now due from the royal treasury could be obtained. Meanwhile continued alarms kept the militia and Indian contingents constantly under arms.

To the missions was due for provisions nearly half a million of dollars, not counting the long arrears of stipends and goods. The consequent discontent of the friars, notwithstanding their prosperity, was increased by a change in the management, which brought them more directly under control of the order in Spain, and demanded a closer observance of the rules for humility and poverty, to the discarding of carriages, watches, and other luxuries, corrupting alike to themselves and to their flock. The reform seemed the more severe after a long period of indulgence, and in addition came a secularization decree from the córtes. The padres professed themselves ready to obey, but were fully aware that the bishop had no priests to take their place.

The proposed innovations under the new liberal constitution forced from Spain were supplanted by decisive measures from Mexico. Iturbide, the leading royalist general, had in 1821 passed over to the insurgents, and declared for a revival of the ancient Mexican empire under a Spanish prince. The hesitation of the king to concede autonomy for its principal American colony opened the way for the general's ambition; and sustained by his devoted troops, he proclaimed himself emperor, under the title of Agustin I.

Tired of Spain's continued neglect, the Californians had promptly recognized the change, and affirmed it by selecting Governor Sola as deputy to the imperial parliament. Mexico had not expected such readiness in a province regarded as a mission field, and consequently under the control of loyal Spanish friars. Canon Fernandez, a jovial demagogue, was therefore dispatched to win over the people, and report upon their attitude and resources. He permitted the recent electoral body to constitute itself an assembly, and the leading towns to choose a more formal and complete local government than had before existed. In addition to this flattering concession he granted the assembly the privilege of appointing Captain L. Argüello, a Californian, to succeed the departing deputy Sola as governor. The selection was naturally distasteful to the influential Spanish minority, which thus far had controlled affairs, but nevertheless it was deemed politic.

The revulsion among both classes favored the inauguration of republican rule in 1823. In Mexico the long revolutionary war had fostered the democratic ideas implanted by the example of the United States and of France, and given birth to a numerous brood of aspirants for spoils and power. The arbitrary mismanagement of Iturbide gained for them the needful sympathy with the masses; and so was overthrown the empire, and the republic proclaimed, which during the next half century was to become the theatre of civil strife.

California was made a territory under a jefe-político, whose authority was curtailed only in military matters, now chiefly delegated to a special comandante, with forces reduced to less than four hundred men. The assembly continued to figure as a deputacion with seven members, half of them elected annually; yet it acted merely at irregular intervals and as a gubernatorial council, in minor economic matters, rather than as a law-making body. The representative to congress had no vote, and for several years not even a seat or voice. The comisionados at the pueblos lost their authority, and the election of alcaldes, regidores, and attached officials, although controlled by a few leading men, excited much interest. With these rested the administration of justice, for no competent judges were appointed during the first decade. A legal adviser was in due time provided for the governor, and the federal authorities took care to appoint the necessary treasury and custom-house officials.

The wise and liberal rule of Argüello was in 1825 replaced by that of a Mexican governor, Lieutenant-colonel J. M. Echeandía, who assumed the military command, and for his health's sake selected San Diego as his residence. He lacked energy and resolution, and displayed an inefficiency in the administration of justice and the enforcement of discipline which provoked much hostility. As a republican he favored secularization, and came quickly in antagonism with the friars, who refused to acknowledge the federal constitution. The diputacion would gladly have joined in despoiling them, but the governor abstained from so radical a measure, partly through fear lest the missionaries should retire, and by withdrawing their control over the Indians prompt the latter to renew the outbreaks of the preceding year, when three missions rose against the troops, and but for the interference of the friars others would probably have joined, and rendered the incident more serious.

The general feeling was further excited by the revival of convict immigration; by the decree of expulsion against the Spaniards, although not enforced in California; by the subordinate position assigned by the governor to the assembly; by the contemptuous treatment of the congressional deputy, and by the indifference of the federal authorities toward the province, which was left to its own resources in meeting the annual expenditure estimated at about $130,000. The actual revenue reached only half that amount, even under favorable circumstances.

The deficiencies in the revenue led alse to defection among the troops, who, in 1827 broke out in mutiny. In the following year the contador instigated a revolt in favor of Californian officials, under the leadership of a convict named Solis, whose incapacity proved the main cause of failure. With such intriguing among the federal representatives, the interests of the government were further slighted through disregard of its laws and instructions; and not only was the revenue subjected to much dishonest manipulation, but smuggling met with official connivance, being encouraged also by the capricious opening and closing of ports, and by the arrangement under which foreign vessels could, after a first call at Monterey, peddle their cargoes from point to point with little or no supervision.

The missions remained as before a prey to office-holders, subject to all manner of arbitrary levies, exactions, and loans, without pretence of repayment. Secularization was partially introduced as a means to this end, finding many advocates even among the neophytes, whom the friars had purposely left in utter ignorance. In 1830 the supreme authorities were beguiled by politicians into passing a secularization decree for the province, to be carried out by J. M. Padrés. Eager for his share in the prospective spoils, the governor hastened to anticipate the measure by a similar plan of his own.

Alarmed, meanwhile, by the discontent and irregularities in California, the federal government appointed a new governor in the person of Lieutenant-colonel M. Victoria, a brave and honest man, and long commandant in the peninsula, but somewhat of a martinet. He arrived in 1831, and promptly put a stop to the projected raid upon the mission property, refusing to convene the assembly which had declared in favor of it. A strict disciplinarian, he prepared to suppress the lawlessness which had now become rampant, and did not hesitate to arraign even alcaldes before courts-martial. Foiled in their aspirations for plunder, the Californians chose to regard his salutary measures as an outrage, doubly oppressive as emanating from the unwelcome agent of a remote, indifferent, and even tyrannical authority. Some of the officials whom he had exiled availed themselves of the ill-feeling to return and kindle a revolt, which was aided by the late governor, Echeandía. The disaffected troops of course participated, and Victoria was easily defeated and driven from the country.

The assembly now sought to assert itself by choosing a ruler, but Echeandía objected. The result was that the northern districts seceded from the compact made with him, and appealed to Mexico. The administration then in power happened to have at its disposal a man of tact and ability, the brigadier José Figueroa, one too prominent, indeed, for so remote a post, but whom it was desired to remove. Arriving in California with discretionary power to promote the interests of the country, in secularization, trade, and general development, he applied himself so earnestly to the task as to harmonize all the opposing elements and produce an era of hitherto unparalleled prosperity, outside of the missions. He organized local councils at several of the settlements, pushed forward occupation to the north side of the bay, freely distributed grants for the extension of agriculture, released the people from the payment of tithes, and against his own interest, advocated the separation of the military and civil commands.

In connection with the Mexican decree of secularization a plan was framed for establishing colonies, for which purpose the property of the missions was to be used in providing seed, implements, livestock, and provisions sufficient for the first year. Two hundred and fifty persons were induced by this opportunity, combined with the offer of land-grants, to remove to the territory in 1834, under care of Padrés and Híjar, who had been appointed military and civil successors to Figueroa. Their appointments being countermanded, however, the governor considered that he had the power to interpose and save the missions and neophytes from the depredations of the incoming strangers, greatly to the delight of the Californians, who regarded the prey as purely their own. Sufficient aid was granted to keep the immigrants from starvation until they could settle or find occupation, though a few, who appeared to be conspiring, were sent out of the country in company with their two leaders.

Shortly afterward Figueroa died, his name being remembered as that of one of the benefactors of California, and as the best governor who had ever directed the affairs of the province. He had begun secularization, not on a general and ruinous plan, but by gradual emancipation at the most advanced missions. The friars responded by showing a total disregard for the estates intrusted to them and for their neophytes, hastening to secure a portion of the spoils by slaughtering cattle and selling the hides. The Californians joined in the scramble, and became so impressed with the benefits of self rule that the new governor, Colonel M. Chico, encountered from the first a current of unpopularity which he wanted the tact or ability to overcome; even the troops and friars took part against him, and within a few months he was forced to retire.

The people were unanimously in favor of state government under their own officials, since the supreme authorities persisted in not only neglecting them, but imposing obnoxious burdens in the shape of haughty representatives and disorderly troops to eat up their substance. This feeling had been greatly stimulated by foreigners, who had of late begun to arrive in considerable numbers, encouraged by offers of land and the prospect of intermarriage with the best families.

The leading spirit in the movement was J. B. Alvarado, president of the assembly, an ardent young Californian, popular with all classes, of much practical ability and shrewdness, and a man of progressive ideas. Flattered by their successes against Victoria and Chico, his supporters resolved to be rid also of N. Gutierrez, who, after the governor's departure, had assumed charge for the new central administration of Mexico. Centralism implied a still greater degree of hateful subordination, and they determined to resist it. Aided by foreigners they soon compelled him, together with several score of Mexicans, to follow his predecessor, and leave the command to José Castro, then president of the assembly. The foreign element advocated independence, in imitation of Texas; but the fear of its ascendency restrained the more conservative of the community; nevertheless California was proclaimed a state, and the assembly raised to the dignity of a congress. Alvarado was named governor, and for commandant at Sonoma, M. G. Vallejo, the richest and most influential man in the north, who, while not participating very actively in the revolution, nevertheless held the balance of power in the state. The militia was reorganized, and several reforms instituted, particularly in the finance department.

Juan Bautista Alvarado was born at Monterey February 14, 1809, the son of a sergeant who died during the same year. Observant and quick to learn, he made the most of the few books and the rudimentary education to be obtained in an isolated frontier province. Association with foreigners assisted to enlarge his information, sharpen his wits, and instil a practical energy which was rare among his countrymen. An early training in the office of Governor Sola, and as clerk to traders, enabled him to enter upon his public career in the eighteenth year as secretary to the provincial assembly. In 1834 he exchanged this position for an inspectorship in the custom-house. At the same time he availed himself of the popularity acquired in his official capacity, and as a genial, affable man of recognized talent and good character, to gain a seat in the diputacion. The absence of the eldest vocal placed him second on the list to the president, and gave weight to his plans against Gutierrez, and his position as leader among the younger Californians and also of the revolution procured for him the governorship, the highest possible honor within the province. After a rule of six years he retired, with the rank of colonel in the Mexican army. As a reward for joining two years later in the revolution which ousted his Mexican successor, he was intrusted by the new provincial governor, Pico, with the management of the Monterey custom-house. Although elected representative to the congress at Mexico, he did not attend its sessions, nor did he pay much attention to his appointment from that quarter as adjutant inspector of the California presidio companies. During the American invasion he remained, indeed, almost inactive, under parole, and subsequently lived in retirement, chiefly on the estate of San Pablo, inherited by his wife, Martina Castro, by whom he had several children. Although forced by circumstances to have recourse to intrigue, to waste his efforts and the public property in political struggles and campaigns, and to countenance many impositions among subordinates, he was personally animated by patriotic and honest motives, which lifted him above sordid considerations, and were strongly reflected in his career.

Mariano Guadalupe Vallejo was the son of a sergeant in the California presidio service, who by virtue of his pure Spanish blood and family name enjoyed the title of don and distinguido. This position procured for the son admission into the Monterey company as cadet in 1823, in his fifteenth year. The aspirations imbibed from a proud though less cultured father had endeared to him the military profession, and prompted him to prepare for the position by supplementing the scanty education obtainable in his native town of Monterey with the study of all the books within his reach. After four years of training he was promoted to alférez of the San Francisco company, yet acted as habilitado and comandante of both companies, sharing in their campaigns against Indians. Elected a member of the diputacion in 1830, he took an active part in opposition to Victoria, and was in 1834 rewarded with the election of diputado suplente to the congress at Mexico, although not called upon to sit.

A favorite of Governor Figueroa, he received from him a large grant north of the bay of San Francisco, the commission to secularize the mission of Solano, and to found the military post of Sonoma, and there to act as director of colonization, and as comandante of the northern frontier, with the military rank of lieutenant. Bound to this new field by public and private interests, he strove energetically to promote its settlement and unfolding, and so successfully that by 1836 he had become in many respects the most powerful man in the province, and certainly the most independent.

The mere weight of his name was sufficient to make him courted by and indispensable to the new California party, and the position of comandante-general was conceded to his passive influence rather than to his services or popularity. He prudently abstained from injuring his prestige by too familiar intercourse or by meddling in southern affairs, and his reserved and somewhat haughty demeanor, inspired by family name and wealth no less than by military training and official rank, tended to make him more respected than liked. As a mere lieutenancy did not well accord with his new position of general, he was created a colonel of cavalry by the California authorities, and Mexico responded in a measure by advancing him, in 1838, to the rank of captain of the company and colonel of defensores, while recognizing his position as comandante militar. This latter jurisdiction was confirmed under the succeeding Mexican governor, together with the rank of lieutenant-colonel, and an additional land grant.

In return for his favorable attitude toward the United States and their immigrants, he was allowed a proportion of his claims for losses during the invasion, and given a commission as colonel, with the appointments of Indian agent and legislative councillor, besides being elected to the constitutional convention and first state senate. His grants of land were only partially confirmed, but nevertheless they formed a magnificent domain, the value of which he sought to increase by promoting the foundation of Benicia and Vallejo, the former being named in honor of his wife. The effort to make the latter the permanent capital of the state proved a disastrous failure; yet the selection of the site for a commercial centre was judicious, and its growth has endorsed the judgment of its founder.

The general henceforth lived in modest retirement at Sonoma, where he directed the education of the

thirteen children born to him by Francisca Benicia,
daughter of Joaquin Carrillo, whom he married in
ed- 1832. He still appear~~s~~ occasionally in public life,
as the foremost representative of Spanish-Californians.
Intercourse with strangers, and diminished wealth
had and power, ~~have~~ tended to soften the former pride and
exclusiveness, and though still retaining a marked
formality of manner and speech, he now rank~~s~~ as the
chosen favorite among his countrymen, and ~~is~~ generally esteemed also by Americans for his high sense of
honor, his generosity and refinement, and his unsullied
public record. ^

The revolution had transferred nearly all political advantage to the northern districts. At this the long-favored south took umbrage; and finding no disposition to make Los Angeles the seat of government, proclaimed there the local council as the supreme authority, reporting in the meantime to Mexico that the north was yielding to foreign designs. Both sides took to arms. In the midst of the conflict an emissary arrived from Mexico, and appealed to Alvarado, as the most powerful leader, persuading him to accept centralism as the price of confirmation for himself and Vallejo. Before the agent returned to Mexico the government had been prevailed upon by the California deputy to appoint as governor C. Carrillo, a southerner, who was promptly installed by his district. Still hoping for his own confirmation, Alvarado held his ground, confident that the party in power would be recognized by the distracted administration in Mexico. The south fully understood the danger of delay, and once more took the field. Alvarado gained sufficient advantage at first to cajole the vacillating Carrillo into inaction, and as he had anticipated, was confirmed in office, the latter being appeased with a large land grant, and the emissary rewarded with a seat in congress.

The civil war gave the finishing blow to the missions. It favored the absorption of their property under the additional guise of labor loans. The administration of this property was mainly in the hands of partisans, without due supervision, who took their share from the forced contributions, and loaned or transferred live-stock and implements, and even the Indians, to friendly rancheros, leaving the friars and neophytes to shift as best they could. The government at Mexico dissipated in like manner the pious fund, which had so largely served to sustain the missions in colonial days; so that, when in 1839 a bishop was appointed for California, with the power to administer the fund, it had virtually disappeared. Nor could the prelate obtain his salary; and as tithes were abolished, he had to subsist on scanty contributions. In 1843 many of the missions were restored to the friars, but by this time they were so impoverished, and the neophytes so dispersed, that only a few of them presented even a feeble prospect for their revival.

In Alvarado's disposition was the making of an excellent governor; but party strife caused him gradually to abandon the management of affairs to others, who absorbed most of the funds for the civil departments. At this Vallejo was annoyed; and alarmed, moreover, at the growing machinations of foreigners, he urged the government to appoint a new ruler, sustained by sufficient troops to defend the department.

The administration recognized the danger, and was only too glad to have the country in charge of its own agents. Being more free at the time in its operations, it was able to spare over three hundred men, who were placed under the command of General Micheltorena, as governor and comandante-general, with extraordinary power to appoint officials, reörganize the presidio garrisons, and take other necessary steps for the defence and welfare of the country. One of his first measures was auspicious, reducing civil expenses by nearly $40,000; and he arrived in 1842, just in time to save the department, as he claimed, from foreign hands.

In 1840 suspicions against foreigners had risen to such a pitch that over a hundred were arrested, and some of them sent to Mexico for trial. No guilt was proven, and several returned to exact compensation. New arrivals of different nationalities continued nevertheless to be welcomed, and to receive grants, a large number collecting on the river Sacramento, round the fort founded in 1839 by Sutter. The majority were immigrants from the United States, who freely expressed the conviction that the province must ere long be annexed by their people. The cabinet at Washington had in fact made an offer for it in the early thirties, and after the Texan question embroiled the two republics, the southern slave-holding states resolved to strengthen their position in the union by means of territorial extension. The squadron in the Pacific had orders to keep watch over the coast, and in case of war, or of English attempts to gain a foothold, as suspected, possession for the United States should be taken. Thus it happened that in 1842 Commodore Jones hastened to occupy Monterey in the belief that war had been declared. Finding from a newspaper, which was shown to him there, that he had been mistaken, the fort was promptly restored, with an apology, Micheltorena assuming for his own glory that the enemy had been frightened away by his approach. The supreme government now forbade the entry of Americans; but the local authorities considered the interdiction hopeless, and disregarded it, the governor himself freely selling and granting lands to them.

Micheltorena did not justify the expectation formed in regard to him. He soon lapsed into careless indolence, which won a certain popularity, although not enough to overcome the ridicule provoked by his bluster in the Jones affair, nor to condone for the lawless acts of his soldiers, composed mostly of vagrants and convicts, and driven by want to plunder the settlers. Less than two years of this imposition sufficed to revive the dislike for Mexican officials, and the love for self-rule, together with the handling of revenue. The first revolt was allayed with the promise that the obnoxious troops should be sent away. This was but a subterfuge to gain time for seeking reënforcements in Mexico, and among the foreigners so widely favored by Micheltorena. The Californians rallied once more, at the call of the assembly, which impeached the general, and proclaimed governor their senior member, Pio Pico. The foreigners were persuaded to withdraw, and thus bereft of his main prop, Micheltorena yielded, and departed with most of his men, a rather sorry figure.

The Texan imbroglio left the Mexican government no alternative save to approve, and as success had been achieved this time by the south, Los Angeles rose again as the capital; but Monterey remained the military and financial centre, and José Castro, the comandante-general, conspired with Alvarado and others to secure for his department the greater share of the revenue, which for 1845 reached the sum of $140,000 from the custom-house alone. Thus wrangling was renewed between the two sections, to the detriment of many projected reforms, and with the prospect of another civil war.

The difference arising between the United States and Mexico on account of the attitude of the former toward Texas manifested itself in California, as a border province, by precautionary measures against foreigners in general, and by orders from the home authorities for the exclusion of further immigrants from the United States in particular. This was not easy to accomplish, however, and, indeed, was not attempted, favored as these intruders were by a vast unprotected frontier, and by a large number of countrymen domiciled here and connected by marriage and pecuniary interests with native Americans. Internal dissensions and a provincial party-spirit, sustained by so many grievances against Mexico, likewise exercised an influence in checking a too decided opposition against a change. In addition to all this came secret support from the government at Washington, whose long meditated designs on the Pacific coast received incentive from the rumor of similar intentions on the part of France and England. The Mexican bondholders in the latter country were at least seeking territorial indemnity, and British subjects were planning enterprises, to be planted on Mexican soil.

The Monroe and manifest destiny doctrines would have sufficed to rouse the attention of the northern republic; but party schemes gave it additional motives to prompt action. Thomas O. Larkin, of Massachusetts, who, since his arrival at Monterey in 1832 in his thirtieth year, had acquired influence as a general trader, and been appointed consul for his government in 1843, was two years later commissioned secret and confidential agent of the administration at Washington, with instructions to create a favorable feeling toward the United States, and impress the advantages of a union with that country; to counteract English sympathies, and to keep his government fully informed concerning the turn of affaias. Larkin devoted himself to the charge with tact and zeal, although thwarted somewhat by the indiscretion and ambition of his later associates.

Their several successful revolutions, the separation of Texas and the dissensions and weakness of Mexico, had impressed upon Californians the possibility of a speedy change, to which attendant rise in land values, expanding trade, and wider prosperity lent attractions. Loyalty was weak, and independence tempting; but the difficulty of maintaining autonomy was apparent, and inclined the more perspicacious either toward annexation, or in suspicious defiance to cling to Mexico, while a few favored European intervention as the best middle course. Alvarado preferred the latter, and Governor Pico upheld an English protectorate as most promising to his aspirations for title, office, and wealth, while General Vallejo favored the strong arm of the United States. At one time, indeed, it was proposed to consider the question in a general council, which did not take effect, however.

The growing party was for annexation, and embraced a large proportion of the independents and the wealthy, together with the preponderating and fast increasing number of immigrants. It was fostered by Larkin's efforts, by the apathy of the people, by love of independence, and by the prospect that European armed interference would afford but a temporary remedy, as the United States would never permit permanent occupation from that quarter.

It needed only a spark to ignite the combustible material, and that was applied by Frémont, a lieutenant of topographical engineers, born in Georgia in 1813, who had been, by virtue of his position as son-in-law to Senator Benton, entrusted with the survey exploring expeditions to the Pacific coast in 1842–5, which brought him into prominence as a so-called pathfinder. The name was bestowed by his admiring friends, for he himself claimed only to have scientifically explored ground trodden before, and to have given official information concerning it, the first important step in the great transcontinental surveys.

His third expedition, the second into California, occurred during the troubled spring of 1846. In view of the designs on the country, he had received instructions to examine more widely and minutely into its resources and affairs. The provincial authorities of California permitted him to halt and recruit his party for the proposed march to Oregon. He abused the privilege by penetrating into the heart of the province, close to the bay of Monterey, with his armed force of 60 men. When ordered away by the alarmed officials, he most foolishly and unjustifiably aggravated the fault by intrenching himself at Gavilan peak on March 6th, and hoisting his flag. General Castro promptly gathered 200 men with a view to enforce the order. This brought Frémont to his senses. He recognized that a collision might compromise both himself and his government, and was at least premature. Swallowing his chagrin, he slunk away by night, and abandoned his camp to the exultant Castro.

Frémont had blunderingly anticipated the wishes of his principals. On the way to Oregon, now resumed, he was overtaken by Lieutenant Gillespie, a secret messenger from Washington, with instructions that, in the event of war with Mexico, he and Larkin should take possession of California, and prevent any occupation by a European power, and conciliate the people so as to facilitate such seizure, or win them over for voluntary annexation, should no war occur.

Frémont welcomed the message as a carte-blanche for any liberties he might see fit to take, in view of a seemingly inevitable war. He longed to initiate so important an enterprise, perhaps to become the leader in an independent state, and to fling back the taunts cast upon his somewhat ignoble retreat. To this end he counted not only on his three score followers, but on the imposing number of adventurers and immigrants from the states, who, inspired by Texan precepts, by the comparatively defenceless condition of the province, and the long-nursed doctrines of the rights of the strongest, had been agitating the expediency of adopting the course opened by the lone-star republic. Numbers were attracted not alone by the security, development, and prosperity foreshadowed by annexation to the United States, but by the excitement and gains of a campaign, the glory of figuring as liberators, and the honor and emoluments of office. They regarded themselves as strong enough to withstand a blow, and perceiving the approaching opportunity, looked about for an excuse to inflict it. The orders from Mexico, to expel unauthorized American settlers, although not enforced, were dragged forward as an impending outrage, to be aggravated, it was assumed, by turning loose the Indians upon them. The apparent ejection of Frémont, and the attendant armament and proclamations of Castro against foreigners, lent color to the fictitious alarm, and pointed at the same time to a leader.

A representative portion of the conspirators accordingly went to meet the explorer, whose plea of scanty supplies, mountain snows, and hostile Indians, as the reasons for his return, were regarded as purely a cloak for official intrigues. Not yet prepared to unmask, he nevertheless encouraged them to begin operations, promising to bring forward his men to oppose any Californian troops sent against them. This would shield his government, and leave him greater freedom to decide upon his course—to step in the wake of victory to success, or to escape under the guise of neutrality. The rôle assigned to the United States was not very dignified, but the prize was tempting and principles easy.

Regardless of the critical condition of affairs, the governor and comandante-general of the province kept up a quarrel for the supremacy and the control of the revenue. By virtue of his military force and the custody of the leading custom-house, Castro secured two-thirds of the fund, on the ground that the north must be guarded against the Americans. Pressed by his hungry supporters, Pico enrolled a force of 100 men, and set forth to correct his misguided lieutenant. Castro proved even more successful in his enlistment, by calling for defenders of the country, to be used against foreign or local foe, as circumstances might require. For their equipment he sent to Vallejo for 170 horses. This preparation was declared by the United States' conspirators to be a measure directed against them, and at Frémont's suggestion the band of horses was pursued and captured.

The first step thus taken, on June 10, 1846, hesitation vanished. Four days later a party, barely three dozen strong, pounced upon Sonoma, the only military post north of San Francisco bay, yet without garrison. They secured 200 muskets, nine cannon, and some horses, General Vallejo and his associates being sent as prisoners to Sutter's fort, of which Frémont took possession. The captors, under the temporary leadership of W. B. Ide, proclaimed the California republic, and hoisted a flag bearing the design of the Texan lone star and a grizzly bear, the United States' ægis not being as yet authorized. In the proclamation plausible reasons for revolt were duly advanced, regardless of truth, with promises of reform and protection, embracing freedom from imposts, involuntary taxation and military service. The levy of forced loans served to impress upon the passive population the prospective value of these utopian privileges. In answer to an appeal by the sufferers the captain of the United States' war vessel *Portsmouth* denied that the movement was authorized by his government, yet he sent supplies to Frémont.

Castro promptly issued a call to arms, but so slow was the response that his force increased to barely 160 men during the following ten days. One of its three divisions was sent north in advance to retake Sonoma, but after a skirmish with Ide's party, being unsupported by the remaining bodies, it retreated, and thereby so discouraged the entire command, that Castro fell back to Santa Clara, thence to urge on Pico the necessity for conciliation and coöperation. The latter took advantage of the emergency to gain followers to his standard with a view to obtain the control of the campaign, but with even less success than his rival, whom he thereupon joined with ill grace.

The first advance of Castro had spread no little alarm among the American settlers, particularly on observing the neutrality of the war vessel. They were losing confidence in Ide, and called therefore with double reason on Frémont to redeem his promise. The latter found himself bound to comply, and set forth on June 23d for Sonoma and San Rafael without meeting a foe. He now persuaded the commander of the United States war vessel *Moscow* to lend his aid in entering the presidio of San Francisco and spiking its ten guns. After celebrating the fourth of July the insurgents formally vested the command in Frémont. The independence of California was affirmed, but on reaching Sutter fort on July 11th the filibuster captain learned that rumors of a declaration of war, together with his overt acts, had encouraged Commodore Sloat to hoist the United States flag at Monterey. This in turn prompted him to supplant in similar form the Bear flag, which he had sustained merely as a guise. Ide, who had sought to figure as another Houston, sank out of sight, and to Frémont was accorded the questionable glory of the movement. He certainly had asssisted to start the revolution, useless and unjustifiable though it was, and had stepped forward to give it fresh life and new direction under semi-official auspices, which gave color to Sloat's important intervention.

The Oregon question revealed the eagerness of the United States to extend her dominion to the Pacific shore. The desire for a symmetric outline which must include California, possessed as she was of the only good harbors south of Puget sound, was but natural. To this must be added the resolve on the part of the southern states to balance the growing power of the northern division. To this end war was forced upon Mexico, for which preparations had so long been made, partly by keeping a fleet in readiness in the Pacific, with standing orders to watch the movement of English war vessels, lest they forestall the Americans in occupying California, and to take possession here at the first news of war and reconcile the inhabitants to a union with the eastern states.

The reality of English pretensions in California is subject to grave doubts. The determined attitude of the Americans in the Oregon affair, and their well-known designs on the adjacent coast, must have cooled the ardor of the British to wedge themselves in among such an aggressive people, with the attendant risk of a conflict, or at least of trouble. Their admiral certainty exhibited no eagerness in the matter, and the scheme of McNamara to establish an Irish colony here appears to have emanated from speculators, connected perhaps with the vain efforts of British bondholders to secure territorial indemnity.

Before the arrival of the official notifications of war from Washington, Commodore Sloat received such reports of the outbreak of hostilities on the Texan border that he hastened to California with his fleet of four vessels. Here his resolution failed him, however, and several days were wasted in vacillating consultations. Frémont's energetic movements, particularly in spiking the guns at San Francisco, finally decided him, and on July 7, 1846, he landed at Monterey, seized the unprotected post, and hoisted the stars and stripes. Within the following few days the flag was likewise unfurled at San Francisco and Sonoma by Sloat's officers, and at Sutter's fort by Frémont, and soon after at San José, whence Castro had retreated on the 8th.

Frémont promptly continued his advance by turning from Sutter's fort to Santa Clara valley, with a battalion now swelled to 160 men by enlistment of the Bear insurgents. After entering San Juan, and thus completing the occupation of northern California, he proceeded to Monterey to confer with Sloat. The timid commodore had by this time begun to doubt whether the war news received by him was reliable, and feared that his instructions might have been overstepped. On learning that Frémont had acted on his own responsibility, he was horrified, and declared that his own act had been based entirely on those of the captain, an attempt to shirk responsibility, which redounded greatly to the credit of the latter.

Just then arrived Captain R. F. Stockton, an energetic, resolute man, next in rank to Sloat, who freely expressed the opinion that existing orders justified even wider action than had been taken. In feeble health, and in daily expectation of being relieved at his own request, Sloat was glad to surrender to the other the squadron, with the pending responsibility. As commander-in-chief also of the land forces, Stockton enrolled the ex-Bears as a battalion of volunteers, with Frémont as major and Gillespie as captain, and sent them to San Diego, thence to coöperate with him in completing the conquest.

Sloat had issued a proclamation declaring California incorporated with the United States, and her inhabitants in full enjoyment of all existing privileges, together with those of their new country, implying numerous reforms, lessened taxation, greater security, increased prosperity, and other blessings. This bold announcement, somewhat premature under the apparent nature of the war, and hardly in accord with Sloat's vacillation, might properly have been affirmed by the new commodore. But, on the contrary, he issued another proclamation, filled with bombast and false charges of outrages on Frémont and others, and of prevailing disorders, which required him to go in pursuit of marauders and to hold California until redress should be obtained. This was clearly instigated by Frémont, and intended to magnify Stockton's task, while shielding him in case no war should have broken out. The latter explained, moreover, to his government that prompt action was required to protect American immigrants against the Californians, and to prevent the lavish disposition of land and other public property by the governor.

Castro and Pico continued their retreat with gradually diminishing forces. A fresh appeal at Los Angeles for defence of fireside and freedom evoked little more than empty excuses in response to fear and pride. The people had lost confidence in their leaders and their troops, who were regarded as marauders; and they looked upon defence as hopeless against the existing odds. With barely a hundred unreliable followers left, Castro sought to gain time for consideration by proposing a truce to Stockton, who had landed at San Pedro to prepare for marching on the capital. He had also hopes of favorable terms from the invaders. The avowed policy of peaceful acquisition should have prompted the commodore to listen to overtures. He thirsted for fame, however, with all the ambition inherited from his long descended New Jersey family, and preferred to remove the existing authorities in order to obtain free sway. Nor were his reasons for the step altogether wrong; for negotiations would be tantamount to recognition of them and their acts, and give them other undesirable advantages, while any concessions on their part would be invalid without approval from Mexico. Neither Castro nor Pico regarded it as consistent with their honor as Mexican officials to tender the province to the enemy. Both, therefore, departed for the southern border, the former to end his days in the military service of his country in Lower California, while Pico soon returned to his large estates, and to the many friends whom he had enriched with large and occasionally ante-dated land grants.

After four days' drilling of his 360 sailors and marines, Stockton proceeded to Los Angeles, entering there on August 13th with Frémont, who had approached from San Diego with his battalion. A fresh proclamation, signed by the former as commander-in-chief and governor of California, declared the country a portion of the United States, to be governed for the present by military law, yet with local authorities, to be elected by the people on September 15th. A duty of fifteen per cent ad valorem was imposed on foreign goods.

Definite war news being now received, Stockton declared all Mexican ports south of San Diego under blockade, and prepared to depart with his squadron to enforce it, and perhaps, with the aid of enlistments in California, to fight his way through Mexico and join General Taylor. To this end he appointed Frémont military commander of the province, now divided into three departments, with orders to increase his battalion to three hundred men, and garrison the towns. Gillespie was left in charge of the southern district, centering in Los Angeles, Lieutenant Maddox of the central, stationed at Monterey, and Captain Montgomery of the northern, with headquarters at San Francisco. The commodore's dreams of naval operations were rudely interrupted, however.

The departure northward of the main force, leaving only small garrisons at Los Angeles and Santa Bárbara, and none at San Diego, had revived the somewhat depressed spirit of the southern Californians. The mutual recriminations on the score of the pusillanimous surrender to the invaders roused a certain braggardism, which, to say the least, was at Los Angeles ill-timed, and showed want of consideration on the part of Gillespie and his solders for opponents whom they had learn~~t~~ed unduly to despise. The instigations of several paroled Mexican officers, and the boisterous impudence of a band of young revelers under S. Varcla, fanned the smouldering patriotism, and 300 men took up arms. So imposing a force called for proper organization, and Captain J. M. Flores was chosen comandante-general, with J. A. Garrillo and Andrés Pico as second and third. Their inspiring idea was not exactly to defeat the invaders, but to uphold the national flag in sufficient strength to promote the restoration of the province to Mexico by treaty, as still unconquered.

Aglow with the capture of a foreign posse at Chimo Rancho, the Californians pressed so closely round Gillespie, who had weakened himself by sending a detachment to garrison San Diego, that he accepted their offer, at the close of September 1846, to return with honors of war to San Pedro, for embarkation. The still smaller body holding Santa Bárbara prudently escaped by night before the gathering revolutionists, and the one at San Diego withdrew to a whaler in the harbor, thence to watch the turn in affairs. Preparations were thereupon made for a guerilla warfare, M. Castro being commissioned to direct operations in the north, with headquarters at San Luis Obispo.

On learning of the revolt, Captain Mervine was sent to San Pedro with 350 men to join Gillespie in regaining the lost ground. No animals could be obtained either for mounting men or dragging cannon, so Mervine advanced on foot with small arms alone. The well-mounted Californians hovered round, harassing the force with impunity, and using with great effect a rapidly wheeled gun upon the solid ranks. After losing several men, Mervine perceived the futility of pursuing flying artillery and cavalry under such disadvantage, and accordingly turned back to his vessels. He did not know that the last volley of the jubilant Californians had exhausted their ammunition. Stockton arrived shortly afterward, and was likewise impressed with the difficulty of a march on Los Angeles against a foe, which by sundry strategies had greatly magnified their forces. One device was to display their men in a circuitous march between the hills in such a manner, that each man was counted several times. He therefore sailed onward with the entire command to San Diego, thence to seek the needed animals in Lower California, and await the arrival overland of Frémont, who was equipping in the north.

The Californians exhibited corresponding energy. The assembly met on October 26th and elected Flores governor and general *ad interim*, declaring the province in a state of siege. In order to obtain funds it was proposed to annul Pico's hasty sales of mission property and hypothecate it. These and other measures for defence were partially neutralized by a revival of the petty jealousies which had so long embroiled the officials. Flores was a Mexican, and although doing his duty well and in good faith, the Californians preferred a leader from among themselves. Intrigue and demoralization ensued, based partly on Flores' indispensable levies for supplies. The conspirators actually ventured to arrest the general, but the assembly interposed and reinstated him. Similar discord threatened to befall their opponents.

Colonel S. W. Kearny had achieved the conquest of New Mexico during the summer of 1846 in so effective a manner as to be rewarded with the rank of brigadier-general, in which capacity he was instructed to hasten on to California, occupy it in coöperation with the naval forces, and organize a civil government. He promptly obeyed, but learning on the way from Stockton that possession of the province had been secured, he proceeded with only 120 dragoons and two guns. On December 5th he reached San Pasenal, not far from San Diego, whence Stockton had sent Gillespie with a party to bid him welcome. Andrés Pico was hovering round the place with eighty men, intent on cutting off Gillespie, and wholly unaware of any other force. On perceiving him the following day, Kearny's men gave chase, regardless of the fact that they were mounted on tired and badly broken animals and with firearms rendered useless by the night's rain. Pico's men at first retreated, but on beholding the straggling order and embarrassed position of the pursuers, they turned, and with their advantage as excellent horsemen, wielding weapons in unencumbered hands, fell like an avalanche on the dragoons. Kearny's rear coming up the cañon, they were forced to continue the retreat, leaving the field to the Americans. The blunder of the general had cost eighteen killed and two dozen wounded, while the Californians escaped almost unscathed. Stockton sent two hundred men to escort the demoralized body to San Diego.

Frémont, now promoted to a lieutenant-colonelcy, had spent some time round Monterey, procuring horses and supplies against receipts forced upon the unwilling farmers, and enlisting recruits, including a company of Indians. With nearly 450 men he thereupon set out from San Juan at the close of November, driving before him the poorly equipped and dwindling forces of M. Castro. Two skirmishes between American footmen and the swift California cavalry had inspired respect for the latter here as in the south, and Frémont thought it advisable to move with great caution, and at times by untrodden and difficult paths, in order to avoid pitfalls for his untrained followers. So slow was his advance that a month passed before he reached Santa Bárbara. Thence he turned toward Los Angeles, to effect a junction with the southern main body of 600 men which left San Diego on December 29th, under Stockton and Kearny, the latter yielding to the commodore the position of commander-in-chief, by virtue of his superior force, and the relief extended to himself.

The approach of two such formidable columns spread no little alarm in the intermediate districts. The rancheros began to hide supplies from the revolutionists, and to prepare for securing pardon. Flores sought to gain time for the cause by suggesting a truce to Stockton, on the ground that peace had probably been arranged in Mexico. The only reply was an offer of amnesty to all Californians save Flores, for having broken his parole. The lingering prestige of their several small successes in the field, still held together nearly 500 men under his banner, although demoralized by discord, mismanagement, hardships, and fear of consequences. With this body Flores attempted, on January 8, 1847, to dispute the fording of the river near San Gabriel. His two guns were soon silenced, and after some feeble demonstrations the Californians disappeared. Two days later Stockton reëntered the capital.

The following day Frémont reached San Fernando, there to be prevailed upon by the revolutionary leaders to grant an armistice and conclude the treaty of Cahuenga, dated January 13th, with Andrés Pico, to whom Flores and Castro had surrendered the command. All Californians were thereby pardoned, on surrendering the public weapons, consisting of two guns and six muskets, and promising not to take up arms again; they were moreover accorded all the privileges of American citizens without taking oath of allegiance. It was wise to remove all ill-feeling and apprehension by such generous conditions; but Frémont had no right to grant them when the commander-in-chief was so near, and no pressure existed. The Californians counted of course on his supposed greater liberality, and he was eager for popularity and prominence. The commodore was offended for awhile, but could not well refrain from approving the terms, particularly as Kearny stood prepared for a quarrel and sought to win Frémont to his side.

Kearny understood, and rightly, that the supreme command of the land forces and the governorship would fall to him on his arrival. Stockton, on the other hand, declared that those instructions were superseded by the fact that he and Frémont had achieved the conquest and established civil government, as he termed it, in accordance with prior instructions. In order to sustain this point the commodore prevailed on Frémont to side with him in consideration of a commission as governor, issued to him on January 14th, with Major Russell as secretary of state. Finding his orders ignored, and the command of the naval troops withdrawn from him, Kearny fumed and vowed vengeance; but although the Mormon battalion, 300 strong, arrived at this juncture, he thought it imprudent to provoke hostilities. His forbearance was rewarded. At that very time Commodore Shubrick came to supersede Stockton in the command of the squadron, and while affirming the rights of the general, he urged a peaceful settlement. On retiring, January 19th, Stockton nevertheless turned over the command to Frémont at Los Angeles. The latter could not be blamed for supporting the man to whom he owed so much, nor for accepting the control until the two contestants had settled the dispute. He proclaimed the establishment of civil rule, disbanded a proportion of the volunteers, and raised some money for current expenses, although not without trouble in view of the doubts cast upon his authority. The assembly called by Stockton did not meet, chiefly because several of the California appointees refused to appear in a suspicious rôle while the political destinies of the province were still involved in obscurity.

Kearny had referred his case to Washington, and in February Colonel R. B. Mason arrived with orders for the senior officer of land forces to assume the position of governor, but that Kearny, as well as Frémont, should retire on the completion of the conquest, leaving to Mason the civil and military command. On the 1st of March, accordingly, the general, in conjunction with Shubrick, issued a circular, in which the former announced his assumption of the governorship, with Monterey as capital. California would remain under military rule until a territorial government was provided by congress. Los Angeles was reduced to headquarters for the southern district, the command of which was assigned to Cooke of the Mormon battalion, soon replaced by Stevenson of the New York volunteers. His own battalion Frémont was ordered to enroll into regular service, and to surrender all official documents at the new capital. As Kearny had not condescended to state his authority, Frémont naturally assumed that he sought to revive the old question and ignored the order. Indeed, he issued directions as governor for three weeks longer, and when the battalion exhibited its distrust for the service, he maintained it for the protection of the district, as he called it. Mason represented the case so bluntly to the explorer that a duel nearly ensued. Finally Frémont yielded, and was obliged at the close of May to accompany the irate general eastward with his topographing party. On reaching Fort Leavenworth he was declared under arrest, and ordered to report at Washington.

His trial lasted several months. With Senator Benton and W. Carey Jones for advocates, his case was so ably handled as to enlist general sympathy for him as an ill-used hero, who had performed the most signal services for the country as explorer, conqueror, and statesman. The court had nevertheless to find him guilty of disobedience to his superior officer, and sentence him to dismissal from the army. The president remitted the penalty, but Frémont refused clemency, and sent in his resignation. On the strength of his fame bolstered by the trial he returned to California to seek political honors and wealth from his Mariposa estates. A few years later he figured as candidate for the presidency. Stockton, who aspired to a similar honor, resigned in 1849, on inheriting a fortune, and represented New Jersey in the federal senate. Kearny died before the close of 1848, after being nominated major-general for gallant conduct at San Pascuel!

Among the results of Frémont's operations were claims for outrages, loans, and levies, which troubled alike the respondents, the sufferers, and the government. In 1852 a board was appointed to examine the matter, and after a session of three years out of the total claim of about $1,000,000 $157,000 was recommended for payment, and $187,000 for consideration, the rest being either rejected or suspended.

Prior to the treaty California was under provisional occupation, subject to military rule, and to a government responsible to the president, existing methods being continued in accordance with policy and international law. Sloat went too far, therefore, in promising annexation, as did Kearny, also, in absolving the people from their allegiance to Mexico, and in demanding from officials an oath to the constitution. When, after the treaty, congress neglected to provide a territorial organization, the existing *de facto* government continued.

Colonel Mason of the 1st United States dragoons assumed office as governor and commander-in-chief of the forces on May 31st. A few rumors and rash utterances kept the authorities on the alert. Santa Bárbara, for instance, was fined for the mysterious disappearance of a cannon, and Pico was placed under arrest when he returned to claim the governorship, on the ground that an armistice with Mexico left the former officials free to exercise their functions.

Order was maintained with the aid first of the Mormon battalion, the greater portion of which crossed Arizona and arrived at San Diego toward the close of January 1847. The fear inspired by their evil reputation proved groundless, for their behavior was of the best, and their services were in demand by farmers and other employers. They were mustered out in July 1847, and half of the number returned home at once, the remainder following them a year later.

The Mormon battalion had replaced a portion of the volunteers enrolled by Frémont, and on their departure, the 1st New York volunteer regiment, the formation of which had been ordered prior to the declaration of war, was ordered to the coast. It was recruited entirely from the industrial classes, and with a view to serve as a nucleus for settlement in California when its military career should end. The companies were mustered into service on August 1, 1846, and presented a large proportion of men who afterward attained distinction, although with a considerable sprinkling of vagabonds. Their leader, D. Stevenson, was a colonel of militia, ex-member of the legislature, and a democratic ward politician. The men sailed from New York in September, and arrived at San Francisco in March 1847, thence to be distributed in garrisons, Stevenson being appointed commander of the southern district. Their only field duties were the occasional pursuit of Indian cattle raiders. In August 1848, they were disbanded, the number of men being 658, and of officers 39, about 460 having deserted or been discharged, and one fourth of the regiment remaining in California.

By the peace treaty, proclaimed on August 6, 1848, the province became United States territory, the Mexican population being allowed the option of accepting citizenship, and congress was called upon to provide a government. This requirement brought out the real object of the democratic or war party, which was to outbalance the northern section of the union by adding slave states to the south. The first call for war funds had been conceded by the north only under the Wilmot proviso that slavery should not be permitted in any acquired territory. At the second call, early in 1847, the proviso was not insisted upon, lest it should excite sectional controversy and prolong the war. Now, when the question must be definitely settled, on the formation of territorial government, the north came forward determined to sustain its purpose. The democrats sought to carry their point by offering to leave the decision to the courts, but as these were favorable to the south it was rejected, and no organic act was passed during that session, except for Oregon, which lay beyond 36° of latitude, the limit for slavery, according to a late compromise.

During the next session both parties brought in a number of bills, more or less ingeniously framed, in order to win over the less stubborn with a show of concession. One proposed the admission of all the conquered region as a state, leaving the question of slavery to the inhabitants. As bondage had been forbidden by Mexican constitutions, the democrats saw herein only defeat, and the bill was ousted, chiefly on the ground of insufficient population. After much manœuvring, a bill was passed extending the revenue laws over California, the southerners expecting some advantage from the extension of the constitution thereby implied.

The knot was cut by California herself, lifted as she was to self-asserting power by the gold discovery, and the attendant influx of population, mainly from the north. The province had been the objective point for colonization projects on the part of several nations. Spain stepped in to save it for the Muscovites, and Britons and the Yankees in turn interfered to rescue it from colonial torpidity under Mexico, or conservative restrictions under a possible English domination, or even from an invasion by Mormons, who on their expulsion from the inner states first turned their attention to this shore. Elder Samuel Brannan came, indeed, by sea with an advance party of 238 persons, together with implements for farmers and mechanics, and other useful articles. Fortunately for all concerned, on his arrival, in July 1846, he found the country occupied by the United States forces. Nevertheless, he resolved to form a settlement, and half of his people remained, the rest in due time joining the main body, which had already sought refuge in Utah.

The gold discovery of January 24, 1848, of course gave a startling impetus to the new possessors of

California. After some three months of pardonable doubt, the full reality burst upon the people, and a general rush set in for the gold fields. One effect was that all minds were so preoccupied as to remove any lingering fear of revolt; and well that it was so, for sailors and soldiers joined alike in the rush, leaving their posts comparatively defenceless. Farms were abandoned and towns deserted, save by women and children; churches were closed and newspapers suspended. Gold was the one cry and object. The excitement penetrated to adjoining regions, as Oregon, Mexico, and the Hawaiian islands, and brought the same year several thousands to swell the ranks, and extend the mining region to the Tuolumne on one side and Feather river on the other. Across sea and continent sped the tidings, and being sustained by official reports, created a furor such as the world had never yet beheld, especially on the western seaboard of Europe and the Atlantic slope of North America. Men of all classes prepared to seek a land now doubly favored by fortune, some for profit, and some for novelty and adventure. Ships were turned from their course to seek the rich passenger traffic; manufacturing establishments abandoned their regular channels to provide supplies, in food, implements, and comforts for the new and more profitable markets. Trade, industries, society were thrown out of course; the fever raged amid household and community; and the peace of the nations was profoundly disturbed.

Onward the human current flowed, first by sea, for winter still blocked the overland route. The movement began in November, and for February 1849 three score vessels were announced to sail from New York alone. During the following winter 250 ships departed from the eastern ports of the United States. Most of them passed round Cape Horn; others poured their living cargoes on the shores of the Isthmus, leaving them to find their way northward as best they could. The steamer service just then inaugurated gradually absorbed the passenger traffic, which for a while enriched also a line via Nicaragua. The first steamer entered San Francisco February 28, 1849.

The overland stream set in in April 1849, chiefly from the old-time migration points on the western border of the Missouri and by way of the South pass, Great Salt lake, and Humboldt river. The next in importance passed through Santa Fé and Arizona. For the sea route many parties had been formed for mutual aid in the new and unknown field. For the land journey this became indispensable in order to move and protect the trains of huge prairie wagons along an often difficult route, obstructed by swamps and rivers, steep ridges and desert plains, subject to storms and heat, to famine, thirst, and hardship, and the raids of marauding savages, to which many a party fell a prey.

Such was the influx which raised the white population of California from 12,000 in the summer of 1848 to 100,000 by the autumn of 1849. A desirable addition it was, if we except certain elements from Mexico and Australia, for the distance and cost served to keep back the lowest classes, as did the hardships of the journey and mining life the infirm and indolent. The chosen manhood from different classes and nationalities came there to occupy the land, in fitting accord with its beauty, resources, and prospects. It was a cosmopolitan gathering, marked by the youthfulness of the men and the rarity of women. The latter awaited a more advanced condition before venturing amid this abnormal society, with its extravagance, and feverish exuberance, and helping to transform the tented camps, with their drinking orgies and gambling hells, into villages and towns which in time became the centres for trade and manufactories and agricultural districts.

The immigration thus far had been into the peaceful valleys of the coast region south of San Francisco bay, Now it poured into the hitherto almost untrodden wilds of the Sacramento and San Joaquin valleys, lining their streams with camps and towns, and drawing in their wake a net-work of transports. Steamboats ascended the rivers; wagons crossed the valleys; and mule-trains wound their way up the sierras, the prospector toiling on in advance to open new fields for occupation. As mining declined, a reflux set in toward the scantily occupied coast valleys on both sides of the bay, and thence back again into the great valleys, this time with plow instead of pick.

Commerce prospered throughout these changes and prospective metropolitan cities sprang up, especially round the central bay, on which nearly all the valleys and rivers converged. Benicia, Vallejo, and others strove in vain for the distinction; it remained with the city at the gate, which rose from a village in 1848 to a town of several thousand inhabitants in 1849. Wharves were projected to meet inflowing fleets; hills were torn down and thrown in behind them to transform the shallow cove into business blocks, while dwellings spread around over the ridges and slopes. In the interior Stockton obtained the control of the San Joaquin traffic, and Sacramento that of the upper valley, while a host of minor posts were content to figure as tributaries.

Colonel Mason, as military ruler, was the embodiment of fidelity to the general government, and while confining himself to carrying out instructions and avoiding the dangers of assumed responsibility, he did very well under the anomalous condition of affairs. He could not stay the inroads of land-sharks on the estates of the simple natives and pioneers, but during his administration sensible alcaldes and mixed juries assisted in suppressing crimes, which subsequently demanded the interposition of vigilance committees. He was relieved early in 1849 and went home, only to succumb to cholera in the same summer, at the age of sixty.

During the winter of 1848–9 the people found a little time to devote to other matters than gold. The military rule at once struck them as objectionable, and the appointment of General P. F. Smith to replace Mason as military commander did not improve the feeling. Meetings at San Francisco and elsewhere agreed upon a convention for the summer of 1849. In April, however, General Bennett Riley arrived with a brigade of 650 men, bearing instructions to head the civil government, which was then supposed to be already in existence. Finding that congress had neglected to grant a government, and that the people clamored for it, he sensibly proposed to form a temporary one, by ordering the election of officers on August 1st, to serve until the close of the year, and assist in a vigorous enforcement of the existing laws, so far as they did not conflict with those of the United States.

At the same time delegates were to be chosen for a convention to meet in September at Monterey and frame either a state constitution or a territorial organization, to be submitted to congress. The choice of thirty-seven delegates as first apportioned gave a decided preponderance to men of southern sympathies, but under the rapid influx of gold-seekers eleven more were admitted, so that twenty-two came from northern states, fifteen from slave states, seven were native Californians, and four foreign born. The southern element nevertheless sought to obtain the management, under the guidance of W. M. Gwin and T. B. King. The latter was confidential agent of the government, and although a Pennsylvanian by birth he had represented Georgia in congress as a state rights advocate. Gwin was a congressman from Mississippi who had come to the coast with the express object of becoming senator for California. Made confident by their growing strength, the northerners stood prepared to resent any dictation from the chivalry. Gwin was ridiculed out of his pretensions to the presidency of the convention, and Temple, the pioneer editor, a man of gigantic stature, was selected.

A great struggle was expected on the question of slavery, but to the surprise of the northerners no objection was raised to its exclusion. The southerners had gauged the temper of the majority, and intent on office they did not choose to provoke it. They hoped to gain their point in a subsequent division of the country or by congressional interference. This they accordingly sought to facilitate by proposing an extension of the boundary to embrace all of the conquered territory, even as far as the Texan border. Again northern acumen thwarted them. It was dedecided to adopt the lines most likely to meet with approval, so as not to defeat the admission to statehood, to which the fast-growing population aspired. The present boundary was therefore adopted, or nearly so, along the 120th meridian, from the 42d to the 39th parallel, and thence to the Colorado river. As a precautionary compromise a proviso was added to extend the boundary as far as New Mexico, if congress should object to the line of the Sierra Nevada.

The age for citizenship was placed at twenty-four years. Indians might be admitted to suffrage by the legislature. This body was restricted in the creation of corporations and the contracting of debts. Taxes were largely left to loyal decision by giving to counties and towns the election of assessors and boards of supervisors. Married women were protected in their property; duels were forbidden. The secretary of state and other state officers were appointed by the governor, subject to legislative consent. The constitution was mainly copied from those of New York and Iowa, modified by the heterogeneous character of the convention, and its defects were due to circumstances rather than judgment. It was completed on the 13th of October, 1849, and adopted almost unanimously on November 13th. The officials then elected were: Peter H. Burnett, governor; John McDougal, lieutenant governor; Edward Gilbert, and G. W. Wright, congressmen. On December 12th Governor Riley proclaimed the constitution as established, and on the 20th Burnett was installed in his place, with H. W. Halleck for secretary, as he had been under preceding administrations. Other appointments were gradually cancelled as the state government came into operation in all branches. Riley, "the grim old swearer," departed the following summer, bearing tangible proofs of esteem for the statesman-like tact which had tempered his firm military dictatorship.

Burnett was born in Nashville, Tennessee, in 1807, and passed the greater portion of his youth on the Missouri border. After a brief experience as clerk in a store, he studied law and became an editor, but met with so little success that in 1843 he migrated with his family to Oregon, there to figure as farmer, lawyer, legislator, and judge. The gold discovery induced him to seek a firmer foundation for his fortune in California, and this came to him as agent from Sutter. His prestige as judge of the supreme court of the northern state, brought him additional prominence at a time when the country, in its striving for statehood, eagerly appreciated such experience. Thus it was that he received the office of judge of the supreme court, which he resumed in 1857–8, and then of governor. Later he became president of the Pacific bank of San Francisco.

The first legislature consisted of sixteen senators and thirty-six assemblymen. A few displayed the youthful exuberance of the mining camps, but the greater number were staid, sensible, and energetic men, above the sordid considerations and political prostitution which stained later bodies. The appellation "Legislature of a Thousand Drinks," was due to a facetious lobbyist rather than to any marked excess. It was organized on December 17th, with

T. J. White as speaker for the assembly and E. Kirby Chamberlain as president pro tempore of the senate.

The meeting took place at San José, which had secured the privilege from the convention at Monterey on condition of providing a suitable building, but this proved to be of such poor quality that the legislature was on the point of returning to the old capital. At the close of the session no permanent capital was selected, owing to the rivalry of different towns; and thus the honor was hawked about for several years. Vallejo made so brilliant an offer on behalf of the town named after him, that the second legislature adopted it as a permanent seat, although so dissatisfied with the accommodation that it moved back to San José. Its successor found the former town so dull and remote that a change was made to Sacramento. The legislature of 1853 made Benicia the seat, but in the following year the law-makers once more had recourse to Sacramento. The judiciary now interposed in behalf of San José as the constitutional capital, but was overruled, and Sacramento retained the position. The worst feature of these changes was the use of money to buy votes in each case, with the attendant disregard for the interests both of the state and the individuals concerned.

One of the first tasks of the legislature was to elect United States senators. Frémont received the highest vote, by virtue of the popularity acquired during the conquest, and affirmed during his trial. Gwin, who came next, had the advantage over his competitors, especially over King, being an abler, cooler, and more crafty man than any, and with a less pronounced selfishness, that did not overlook the claims of his state and party. His pro-slavery sentiments favored him, since it was necessary to court the southern element in order to gain admission to statehood. Among the unsuccessful candidates, Secretary Halleck, and T. J. Henley, secured more votes than King.

The election of state officers made S. C. Hastings chief justice, with H. A. Lyons and Nathaniel Bennett for associates; Richard Roman treasurer; J. S. Houston comptroller; E. J. C. Kewen attorney-general, soon succeeded by J. A. McDougall; and C. A. Whiting surveyor-general; and later, J. G. Marvin superintendent of public instruction. The annual state election was appointed for the first Monday in October, and county elections for the first Monday of April, in 1852, and every second year thereafter.

Nine judicial districts were created, one for San Francisco, three for the coast counties south of the bay, one for San Joaquin valley, and four to embrace the northern half of the state. The district courts would replace the courts of first instance, those of the second and third instance being at once abolished. The judges were elected by the people and commissioned by the governor, while the legislature chose the supreme judges. A municipal court of three superior judges was assigned to the metropolis. Justices of the peace attended to minor cases. The common law was recommended for guidance in the absence of statutory law. The state was divided into twenty-seven counties, and county seats established, except in four northern sections, which were attached judicially to Sonoma and Shasta; and in a few cases the selection was left to the inhabitants.

All free white men between the ages of eighteen and forty-five were declared subject to military duty, except such as had served in the army or navy, or were members of volunteer companies. The militia and independent corps were organized into four divisions and eight brigades, under the governor as commander-in-chief, who might appoint two aides-de-camp, with the rank of colonels of cavalry, the legislature electing the major and brigadier-generals, one adjutant, and one quartermaster general. All persons liable to enrolment and not members of any company were required to pay two dollars annually into the county treasury for a military fund, which was increased by the exemption tax of minors. It was applied solely to that department, including salaries of officers or rather of the adjutant and quartermaster-general, for the rest were compensated by rank alone. In 1872 the organized uniformed troops were converted into the present National Guard, consisting of thirty-six infantry, six cavalry, and two artillery companies, whose pay, when in service, was the same as in the United States army. The sum of $300 was annually allowed for expenses to each company of over sixty members; to others in proportion.

A state tax was imposed of fifty cents on every $100 worth of assessed property, with certain exemptions for widows: and a poll tax of $5 on every male between the ages of twenty-one and fifty. The expenses of county governments were to be defrayed partly from licenses for every kind of pursuit save mining. Meanwhile the empty treasury was replenished by a loan of $200,000 for a term not exceeding twelve years, and the treasurer was authorized to issue bonds for an amount not exceeding $300,000, at three per cent per month, payable in six months, as a temporary accommodation. Not content with this, the legislature passed an act authorizing a loan in New York of not more than $1,000,000, at ten per cent per annum, redeemable in from ten to twenty years.

The propensity for accumulating debt has characterized so many of the new states that California, with her golden prospects of wealth, could hardly be expected to abstain, especially under the feeling of exuberance then prevailing. Circumstances were also partly to blame, for prices were exceedingly high, and consequently expenses. The legislators drew $16 per diem, with extravagant mileage, and the pay roll of the state officers exceeded $100,000. Yet such were the inducements to members to look after their mining and other interests that a quorum was difficult to obtain. The senate was compelled at one time to reduce the number requisite for a quorum in order not to obstruct business. Several resignations had to be accepted, followed by new elections. Nevertheless the first legislature did its work with commendable zeal.

Northern sentiments predominated, and the local southern element, being as desirous as the rest for the admission of the state, did not feel disposed to revive here the struggle going on at the national capital. Both sides united in condemning congressional opposition to the pretensions of the state on account of the slavery question, the decision of which should be left entirely to the territory concerned. This the democratic or pro-slavery party at Washington conceded as a principle, but resisted its application when opposed to their aims. The southerners chose to lord it over the northern mudsills in congress, assailing them with fiery invectives, and declaring every compromise or equitable allowance a pure concession by the south.

When California came forward in earnest for admission the slavery struggle burst forth anew. The southerners had entertained hopes that circumstances might favor them in securing that region for their side, notwithstanding the temporary recognition of the Wilmot proviso, in order to obtain money for the war. The effect of the gold fever in bringing a predominating northern influx was an unexpected and irremediable blow to their plans. The ready yielding of their agents in the state convention and legislature, for personal motives, was another disappointment. The only recourse now was to defer the triumph, particularly as affecting the political balance in congress.

The California delegation was assiduously courted by the northern statesmen, and the coldness of his own party toward Gwin strengthened his personal disposition to respond to the others. Clay regarded the aspect as sufficiently serious to propose a compromise, which among other points, renounced the Wilmot proviso for the territories, and offered to pay the early debt of Texas. During the long discussion the resolutions were altered and amended beyond recognition, yet most of them were incorporated in special bills and passed, constituting in effect a compromise. The way thus smoothed, the bill for admission passed the senate on August 13th by a vote of 34 to 18 The democratic side numbered 32, and among these several rushed forward to sustain a protest against the act as an infringement of the constitution, violating the rights of the south, and endangering liberty and equality. California should have been fairly divided between the free and slave states. Such was the feeling which in due time culminated in a war of secession, and for which California was one of the innocent causes. Notwithstanding the efforts of opponents the house likewise passed the bill on September 7th, by a vote of 150 to 56. It was approved on the 9th, and two days later the California delegation presented itself, in face of the last ineffectual remonstrances of the south. The long delay had created no little anger in the state. Officials joined in expressing disapproval, and even revolutionary sentiments were freely uttered, in favor of separation and independence. Although nothing serious was likely to happen, a general feeling of relief as well as joy greeted the arrival of the good news.

During the congressional discussion of California's fate, party leaders in the state sought to make clearer the line between whigs and democrats, by agitating the points at issue and calling for a rally. In San Francisco indeed the democrats gained the control, together with the independents, while the whigs had the upper hand in Sacramento. The reason was the dependence of the latter place on the mines, where northerners preponderated. The northern counties were so superior numerically that they could readily determine political action, yet the miners were more interested in legislation on mining, and prepared to make this an issue rather than a party question, so that with a proper consideration for this demand even a pronounced southerner might acquire a large support among the classes with whig sympathies.

The election of October 7, 1850, brought to the legislature 27 democrats and 8 independents against 18 whigs. The following year saw the apportionment increased to 62 members in the assembly and 27 in the senate, only one whig being added to the latter body. The call to elect a senator to succeed Frémont brought forth the strength of the anti-free-soil party. Frémont fell out of the race, partly from having attended so little to the duties of his position, but neither side could secure the needful votes for any other candidate. One reason was the broadening distinction between northern and pro-slavery democrats, animated by somewhat different interests. The place remained vacant till 1862, when the choice, after a struggle, fell on John B. Weller, a protegé of the Gwin faction.

Although a native of Ohio, where he had held positions of honor, Weller was a pro-slavery man. As colonel of a regiment during the Mexican war, he obtained from his general, when chosen president, the appointment of Mexican boundary commissioner. The admission of the state prompted him to turn to politics, with a view to the prize which he now gained. He studied the interests of his party so well as to receive subsequently the gubernatorial office.

By this time the democrats had fortified themselves by careful organization. Their first state convention had met in May 1851, with 176 delegates. It was planned and directed by Gwin, whose hand was everywhere visible. He joined in an attack upon the whig administration at Washington, whose hostility to California was shown in the scantiness of the favors wrung from it by the redoubtable senator; and he roused the miners in particular by pointing to the heavy drain on their earnings through the neglect to establish a local mint.

The whigs were not backward in mustering, but their delegates numbered only 100, seven counties being unrepresented. They appealed to the mining class by proposing that mineral lands should be held by the government for their benefit, to be worked free of taxes; and that the land should be given the immediate benefit of preëmption laws. Other measures were suggested, but like the democrats they carefully abstained from alluding to local corruption and reform, as if afraid to attract the enmity of the class which was then rousing the ire of the vigilance committee.

The independents, or true California party, lacked cohesion and did not attempt to form a ticket, preferring to cast its influence on the side which promised best to promote the interests of the state, and to let its organs wield a censorship over the other parties. Unfortunately for the whigs their preference for them tended only to create a split, and so further the aims of the more disciplined and unit-loving democrats, who indeed retained the supremacy throughout the fifties.

The whigs had been unfortunate also in neglecting the southern half of the state in their nominations, for a similar disregard by the other party left here an advantage to their opponents. The democrats had been more calculating than careless in this respect. They still aspired to form a slave state by dividing California, and to this end they preferred to rouse discontent in that section. By neglecting to assign congressional districts, the legislature allowed the congressmen, McCorkle and Marshall, to be elected at large, thus inflicting another slight on the south.

Governor Burnett was a suave, correct man, who impressed people with his judicial air, while readily accommodating himself to circumstances and opinions, thus avoiding serious errors, if not aspiring to high achievements. He was too slow and conservative, however for the time, and when, in consequence of conversion to the catholic faith and the pressure of private business, he resigned his office in 1851, there was no very pronounced expression of regret. Nevertheless he was a loss to the state, for his successor, whatever may have been his merits or demerits, shed no special lustre over the rising star of California. Like Weller, John McDougall was a native of Ohio, and had figured in official capacity in Indiana, and served in Indian fights as well as in the Mexican war. His brilliant social talents, fine appearance, and genial qualities won for him a leading position among democrats, which lifted him to office, and subsequently secured his election to the United States senate. His greatest failing was a too strict devotion to party.

On the 8th of January, 1852, John Bigler was installed as governor. At this date the squatters were powerful, and Bigler, whose struggles with fortune in various humble capacities had brought him in contact with their class, and whose neighborly disposition had won their appreciation, courted them with such success as to gain a small majority over his opponent Reading, the choice of the more aristocratic chivalry. He was also a good-natured man, so much so as readily to lend himself to corruption, despite frequent expostulations with a legislature that squandered the resources of the state. The whigs saw herein a chance for supplanting him at the following election by nominating W. Waldo, who was esteemed no less for his pure principles and firmness, than for liberal and philanthropic views. But the democrats had special reasons for rallying to the support of its office-holders. Their plans for speculation had matured and the fruit must be left for others to gather. One of the main prizes was the water-lot property of

San Francsico, from which Bigler's adherents expected to gain $4,000,000. They could afford, therefore, to spend money in buying votes, and in stuffing ballot-boxes. At San Francisco alone $1,500,000 were distributed, so that this, the centre of the whigs, actually gave a majority for its proposed spoliation, allowing him to retain the gubernatorial seat for a second term. The water-lot bill was defeated however, owing to the vigilance of the city representatives.

In 1852 took place the first presidential election in California. Both factions strained every effort in order to gain standing with the national party. The whigs were defeated, and the democrats claimed no little credit with the victorious administration for having secured a majority for Pierce out of the total vote of 71,189. The distribution of patronage, however, caused no little contention, involving as it did the entire list of federal offices. The chief prize, the collectorship of customs, was tendered to R. P. Hammond, a retired army man residing in the state. M. S. Latham and J. A. McDougal were sent to congress.

Finding themselves thus strengthened the democrats renewed their efforts for the division of the state, by proposing a new constitution. A number of disaffected whigs promoted the scheme with a view to gain votes from the main party. The measure was tried again in 1856–7, but received so meagre a vote that it could not be acted upon.

Meanwhile the southerners tried to obtain permission for their immigrants to bring slaves into the country, several being introduced in anticipation; but public sentiment had turned against the admission of inferior races, whether foreigners or natives. It had asserted itself not alone against Australian convicts and proposed coolie or contract labor, but most unjustly against local Spanish-Americans. Now it opposed also the entry of negro slaves. So sweeping were the views of many northerners in this regard that they were in 1852 prevailed on to pass the fugitive act, under which even free negroes were liable to be seized and reënslaved. Fortunately the judges were merciful, and most negroes so arrested were released. After several extensions the law was allowed to lapse in 1858. The habit of kidnapping Indians for forced servitude was likewise frowned down.

A fearlesss opponent of such oppressive enactments, and of the high-handed chivalry had risen in the person of David Colbert Broderick, born at Kilkenny, Ireland, in 1820, but brought at an early age to the United States by his father, a stone-cutter, whose trade he followed. At New York he fell in with the rough, muscular element, and became a leader among firemen, with their political predilections. His inherent magnetism and capacity for organization soon revealed themselves, and roused his ambition to display them in higher circles. He opened a dram-shop in order to gain time for study in the branches of learning necessary for advancement, and opportunity for winning adherents. With their aid he stepped into the custom-house, and then posed for congress. The commendable desire to form loftier principles for conduct than were prevalent among his associates lost him a considerable following, and he was defeated.

Dejected and penniless, he sought California in 1849, and with somewhat retrieved fortune, made his bow before the representatives of New York democracy at San Francisco. The next year he entered the state senate. His prestige as a trained politician, who had presided over conventions and directed political campaigns at the east, raised him to the presidency of the body. He studied law to acquire skill for the position, and filled it ably. Notwithstanding his association with the base, his own deportment was most exemplary. He was a man of strong convictions, with loves and hates intense; with womanly sensibilities held in control by a powerful will; and a reserve tinged with melancholy—a man who rarely smiled.

His ambition now aspired to a senatorship, and to this end he fitted every political act. The pro-slavery democrats under Gwin objected to him as a presumptuous northern plebeian, with anti-slavery principles. Broderick's attitude in consequence tended to make clearer the distinction between northern and southern democrats, notwithstanding the strong unity of ideas in the party. This was affirmed by the contention for spoil at the change of the administration, for Gwin's side favored only the south, preferring, indeed, a whig from that quarter to an anti-slavery democrat.

Gwin had displayed admirable tact. As a democrat in a democratic senate he had wielded a strong influence over the acts and appointments of the whig administration, and still greater was his power under the new régime, while in California he had been the head of the democratic party, a position only now to be disputed. He had performed marked services for the state, in promoting enactments and appropriations, and his efforts were widely appreciated; but he had not neglected his own interests, as shown in many momentary schemes, such as the purchase of Moffatt's assay office for a mint, at an extravagant price.

The end of his term approaching, Broderick strove to secure his seat for himself; first, by a futile proposal for a nomination in advance of the regular time, when more friends could be mustered; secondly, by packing the state convention with his adherents. Here also he was foiled by the activity of Gwin's men, who, with a more complete organization, carried the election of the two congressmen, J. W. Denon, later governor of Kansas, and V. T. Herbert of unsavory fame, ~~and~~ a majority for the legislature, ~~so much so~~ that a joint convention gave them 43 members, known as anti-electionists or bolters, while the electionists or Broderick men numbered only 28, the whigs having 42. The senatorial contest could not therefore be won by Broderick, but he managed to humiliate his opponents by withholding the triumph from them and gaining time for himself.

Turning his attention once more to the state conventions, he secured the control and the nominations. The reason for this success lay in the formation of a new party. A proportion of discontented whigs and democrats in the United States had agreed to form a new affiliation, aiming to unite the north and south, one of their main principles being a repeal of the Missouri compromise, ~~restricting~~ rbidding slavery north of 36° 30′ latitude, on the ground that the north was unjustly encouraging an immigration of low foreigners, and surrendering to them land belonging equally to the south. This American or know-nothing party found many adherents in California, on the additional grounds that foreigners were carrying away the gold of the coast, and bringing in a low race-competition with labor. The democrats embraced a large number of Irish and Germans, who felt insulted by the proposed restriction, and another section which had been disappointed by the absorption of patronage by southerners. Both of these classes Broderick won to his standard. X In despair over the wide defection, Gwin joined forces with the know-nothings, and helped them to elect J. Neely Johnson for governor by a vote of 51,157 against the Broderick vote of 46,220 for Bigler. Johnson was a lawyer from southern Indiana, who had served as city and district attorney. Subsequently he sat on the supreme bench in Nevada. Bigler resumed the practice of law, and served a few years later as minister to Chili, railway commissioner, and collector. He died at Sacramento in 1871.

The know-nothings were forced to carry out some of their promised reforms under the significant admonitions of the vigilance committee, which in 1856 rose a second time to purify in particular a corrupt local administration, and to sustain the improvement by the formation of a people's party at the metropolis. Their strength was wholly fictitious; for no sooner did the old parties offer substantial inducements than large numbers returned to their allegiance. The final blow to the ephemeral coalition was given by the formation of the republican party, which appeared during this year in the presidential contest with Frémont as a figure-head, while the know-nothings and whigs rallied round Fillmore, and the reunited democrats round Buchanan. Frémont's popularity had here been undermined by his contracts and other suspicious transactions, and the republican organization was too recent to inspire confidence. California, accordingly, gave nearly one half of her votes to swell the democratic triumph, both in state and federal circles.

The success was greatly due to Broderick's control of the convention, and its nominations, whereby he hoped to gain credit with the federal authorities, and a sufficient majority in the legislature to assure his own election to the senate. It so happened that Weller's term was about to expire, and as this would be the longer one, Gwin's place having now been vacant for some time, Broderick proposed to secure it, first, by prevailing on the legislature in caucus to fill this seat irregularly in advance of the other; secondly, by bargaining for additional support among other candidates, notably Latham and Gwin, with the intimation to each that he should be the choice for colleague. Both manœuvres succeeded, and Broderick obtained Weller's seat.

Thus secure, he resolved to extort further advantages for himself from the candidates for the short term, and on Gwin offering to surrender all patronage, he threw over Latham. Broderick thought it better for himself to side with a man who was popular both with the federal administration and the people of California. As for the price demanded, he considered it only fair that northern men should taste the sweets of office so long reserved for the south. He had miscalculated his strength, however, for, on arriving at Washington, he was scowled upon as an interloper who had abused a momentary hold on the chivalrous Gwin. His recommendations to office were almost wholly ignored, and Gwin's advice governed the leading and most numerous appointments.

Broderick returned to California in 1858, deeply mortified, but with the hope that his influence would make itself felt in the nomination for the governorship. But his discomfiture at the capital, notably in failing to procure the expected rewards for his supporters, and his double-dealing in securing the senatorship, had roused so many foes, that he thought it prudent to hold aloof. His opponent, Weller, who had returned amid ovations, received the governorship. With additional motives for disgust, Broderick was now brooding over schemes for retaliation. The occasion presented itself in the question of admitting slavery into the territories, leaving it to states to decide on its retention. It centered in Kansas, where the federal government had aided in the persecution of free-soil men. In the United States senate Douglas was the only member who rose in opposition to slavery. By his side Broderick ranged himself, the champion of labor, eager to attack the ranks of his foes, notwithstanding his instructions from the legislature to take another course. Unfortunately for himself he had no oratorial tact. In denouncing the president, Lecomptonites, and the slavery party, he did so in blunt and caustic terms, which laid him open to the charge of coarseness, and seriously injured the cause.

Condemned by the legislature, Broderick hastened back to organize the anti-Lecompton wing of the democratic party, and fuse with the republicans on McKibben for congressman. He saw no other way of sustaining the ~~lofty~~ cause which he had undertaken. Gwin and he came frequently in collision during the campaign, and both his policy and taunts so provoked the chivalry that they resolved upon removing a man so dangerous to their cause. They triumphed at the election, and M. S. Latham, who had been so ill-used by Broderick, was elected governor.

On the very next day, Terry, as judge of the supreme court, resigned his seat to take up the bludgeon on behalf of his party, and fight the senator. Broderick had himself given occasion for the challenge, and his friends expected him to offer a bold front. Yet he had a mournful presentiment of being destined for sacrifice, by some other hand, if he escaped tr from Terry's. They met on September 13, 1859. Broderick fell. "They have killed me because I was opposed to the extension of slavery, and a corrupt administration," were his dying words, which sent a thrill through the hearts of all true men.

Milton S. Latham was a lawyer, born in Ohio, of New England stock, but educated in Alabama and there impressed with democratic ideas. He arrived in California in 1850. A few months later, at the age of twenty-two, he was sent to congress, and there exerted himself so effectually during his term of office as to receive the collectorship of San Francisco in 1856. He stood pledged to this city to oppose the obnoxious bulk-head bill, which proposed to grant to a monopoly the extreme water-front for fifty years. This not suiting an interested clique in the legislature, he was elected the successor of Broderick the tion day after his inaugura~~l~~, and so sent out of the way. The lieutenant-governor, T. S. Downey, then took the executive chair.

Latham entered the senate to share in the most momentous of congressional struggles, and California herself became the scene ~~for~~ strife between the fac- of tions of the two great parties. The relations between the northern and southern states were approaching a crisis. The former were determined to take a stand against the growing pretensions and insolence of the slavery party, and the latter declared that the election of a republican president would be ground for secession. Upon this then hinged the issue. The Lecomptonites, who aimed to carry slavery into the territories, and so degrade or drive out white labor, facilitating their retention as slave states, nominated for their candidate J. C. Breckenridge of Kentucky, while the anti-Lecomptonites chose for standard-bearer S. A. Douglas of Illinois, the sole associate of Broderick in the senate, with the principle that slavery in any territory was to be optional with the people, not with congress. Gwin and Latham, although at variance, decided for the former, and persuaded the entire democratic delegation to join them, despite instructions. Gwin hinted at a Pacific republic bounded by the Rocky mountains, and declared that in case of secession California would side with the south.

The legislature had indeed given no meagre cause for the assertion, by passing in 1859 an act permitting the southern counties below the 36th parallel to vote on a division of the state. The result was a two-thirds vote for division, chiefly on the ground of unequal taxation, which favored the mines at the expense of this agricultural section. The legislature of 1860 reconsidered the subject, and urged its representatives to oppose its execution in congress. A minority report here pointed out the unconstitutionality of the act, supported by only a portion of the state, and as state rights seriously concerned the party in power at the time, the report had to be heeded, although with bad grace.

The north had also split on the great issue. The whigs had mostly been transformed into republicans, whose northern and union principles were gaining wide attention. The American party still lingered, however, although now denominated the constitutional union. It nominated John Bell of Tennessee as a compromise candidate, while the others came out boldly for a stanch northerner. Seward, as the foremost republican leader, was generally expected to obtain the nomination, but as frequently has happened the more prominent the figure the greater the faction jealousy, and so by a fortunate accident the choice fell on one little known, Abraham Lincoln of Illinois.

The republicans of California were largely composed of young men, eager for fresh issues and the advancement of the state. The newness of the party prompted an attitude and platform that should win adherents, and such was its success that it assisted in bringing in a plurality for Lincoln over Douglas of 700 votes, the latter surpassing Breckenridge by 3,000. Thus was overthrown the exultant chivalry, which within one year turned a majority of nearly 21,000 into a defeat.

The double revulsion against the Lecomptonites arose partly from the disinclination to be drawn into the quarrel between the north and south, partly from the neglect of the congressional representatives. Not a little was due to the murder of Broderick, whose course in the east, once condemned, was now formally upheld by special resolution on the part of a legislature which, although still very largely democratic, leaned strongly to the Douglas side. It stood bound against any bills favoring bulk-head and state division schemes, and did its duty, submitting instead several amendments to the constitution, for biennial legislative sessions, for a gubernatorial term of four years, and a change in the judiciary system, which were adopted.

Gwin being politically dead to California, the Douglas democrats, supported by the republicans, chose for his successor, James A. McDougal~~l~~, a talented ~~but dissipated~~ lawyer from New York, who had figured as attorney-general in Illinois and California, and latterly as congressman. ~~So half-hearted was his support of the administration that he was repudiated. Latham drifted gradually into pronounced slavery ideas.~~

In California the popular sentiment for the union

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was becoming so expressed that the legislature considered it a duty to formally avow its loyalty in order not to encourage secessionists ~~with~~ a Pacific republic ~~idea~~. Moreover, California's present great object was railway connection with the east, ~~and~~ other interests tend~~ing~~ to pledge her to the union. The north responded with great promptness by giving a daily mail, by promoting the completion of telegraph connection in October, 1861, ~~and~~ by ~~pushing~~ the all-important railway, and so confirmed the fidelity of the people. Republican associations adopted the term, administration union clubs, press, and pulpit lent their aid, and corporations and individuals manifested their disposition by a wide display of union flags, which alone were tolerated. The militia was organized in six divisions and twelve brigades, with provisions for equipment and calling into service. To every demand for troops California responded so freely with volunteers that no levy was ever required. A special tax was levied to pay extra bounty to recruits and remuneration to volunteers, and for this and other purposes, such as encampments, debt was increased to more than $5,300,000. The direct federal tax of $254,500, apportioned to the state, was paid at once in advance of time. The contribution to the sanitary commission from California alone was more than $1,200,000, a sum largely in excess of contributions from other quarters; and official steps were taken to suppress all disloyal utterances and acts, especially in the southern counties, where volunteers were stationed for the purpose. Passports were required to check emigration to Texas.

These measures were ably supported, first by General E. A. Sumner, who had been sent in all haste to replace General A. S. Johnston in command of the military department. The change was opportune, for Johnston hastened away to join the rebels and lay down his life at Shiloh for the "lost cause." Sumner's prompt and decisive action was formally declared by the legislature to have saved the state from civil war. He was early succeeded by Colonel G. Wright and he by General McDowell, who were no less zealous.

The only act of the state which did not wholly respond to the call of patriotism was the refusal to receive depreciated paper money as legal tender, for the country produced gold, and business had been established on a basis of gold payments, and a change would have created serious disturbance. It has ~~also been objected to~~ that Californians cut no figure in the war. The reason was simply that while she freely offered men, they were required on the coast, to ~~awe~~ secession, to guard against foreign interference, and to hold the threatening Indians in check. In other respects she supplied more than her share of money, in taxes and gifts, and by her attitude did much to assist the union cause.

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During this state of affairs the republicans naturally gained the ascendancy, and in 1861 they ~~lifted~~ Leland Stanford, one of the founders of the party, ~~to~~ the gubernatorial chair, and sent Sargent, Phelps, and Low to congress. In 1862 they called themselves the union party, and liberally invited all loyal democrats to join. This enabled the latter to replace Latham with John Conness, a ~~late~~ democratic candidate for governor. The new senator was an energetic man, and brought ~~his slothful colleague to~~ task, but he was likewise a politician who exerted his influence at the primary conventions to manipulate the ticket to his own liking.

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The election of 1863 awakened special interest, on account of the longer terms now introduced by the constitutional amendments, the governor and state officials for four years from December, a legislature whose senators should in part hold over for four years, and a new bench of supreme judges to sit for ten years. F. F. Low, late collector of San Francisco, became governor, and T. B. Shannon, W. Higby, and G. Cole, congressmen, all firm union men.

Shafter, Sawyer, Sanderson, Currey, and Rhodes were chosen supreme judges, together with fourteen district judges and forty-two county judges. The tempting prizes had attracted a copperhead competition, through whom secessionists sought to gain some spoils, by dilating on the length and cost of the war and the prospective repetition of drafts for the army. Although defeated by a majority of more than 20,000 their arguments left a certain impression, which in 1864, during the presidential election, manifested itself in more pronounced disloyal utterances, and in the southern counties by election tricks and outrages on union voters. The cause lay partly in the influx of fugitives from the harassed eastern states. The assassination of Lincoln, however, who had received a large majority also in California, created for a time so bitter a feeling against secessionists, attended by raids on democratic newspaper offices, that southern sympathies had to be subdued.

The loyalty of the coast had been rewarded with concessions for a transcontinental railway, which was intended also to bind it closer to the union. Such a line had, in fact, become for several reasons almost a national necessity; first, to check the threatened secession of California and other Pacific states and territories; second, to put an end to Indian wars, or at least to shorten their term; and third, to develop the vast and then almost unpeopled region between the Missouri river and the Pacific ocean, an area forming more than one half of the entire surface of the union.

Among those who sought to manipulate the elections in its behalf was Senator Conness. Relying too much on the cohesion of the union party and his own management, he ventured to nominate for governor G. C. Gorham, a man hateful to San Francisco for his complicity in the water-front scheme, and marked as an obnoxious lobbyist in a legislature, only too willing to favor wealthy corporations. Other nominations pointed, moreover, so clearly to a prostitution of party principles for place and money, that a number of the purest men seceded, to form, in protest, the national republican party. The split served to strengthen the democrats, who likewise gained numerous adherents from other union seceders, and from the working classes, by artful heralding of reforms and declarations against monopoly and war rates. The result was their capture of the executive office and of most of the assembly seats. The union party, founded on pure and patriotic principles, was wrecked, and state politics returned to their wallowing in the mire.

The new governor, H. H. Haight, was a lawyer, born at Rochester, New York, in 1825, educated at Yale, and admitted to the bar at St. Louis, whence he came with his father to practice his profession in San Francisco, ~~and to seek for place~~.

Conness' seat in the federal senate was filled by Eugene Casserly, a pure and accomplished lawyer of Irish birth, above chicanery, and a worthy colleague of Cornelius Cole, a republican lawyer from New York, whose election some time before, to succeed McDougall, was marked as ~~perhaps the only~~ senatorial contest in the state not governed by cliques.

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In the legislature of 1867-8 a republican senate held in check a democratic assembly, and few objectionable bills found passage. This was not due, ~~however~~, to superiority of character among republicans, who had, in a measure, been spoiled by a long run of success, for the democrats were cautiously trying to regain public confidence, and on many propositions they exhibited greater self-restraint than the others, as shown partly in the senatorial choice. Their declaration that they would never submit to the dictates of a negro vote, though savoring of southern sentiment, won so wide an approval that at the presidential election of 1868, when republican voters came forward in special strength to honor a national hero, the democrats managed to reduce their majority to a meagre 500, as compared with 18,000 four years previously. The republicans re-asserted themselves in this respect, and continued to give a majority for republican presidential candidates during the next twenty years, although the other party alternated in state victories.

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The ~~attempt of the railway to secure~~ Goat island as a terminus. ~~roused~~ many even of the republicans, who so far had been the promoters of such roads. By putting forward, an anti-monopolist candidate for governor, in the person of Newton Booth, in 1871, they regained confidence, and elected their candidate, together with three congressmen and a large majority in the lower house. ~~The railway nevertheless obtained control of the legislature.~~ ~~The consequence was~~ a split in the party. The seceders, calling themselves independents, although facetiously termed Dolly Vardens, insisted on the necessity of curtailing the power of monopolies, by regulating fares and freights, and devising an irrigation system for the state. So commendable a platform produced a large rally, particularly among the farmers, and the reformers secured a majority in the assembly, and passed several bills in conformity with their views.

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Among the results was the election to both the vacated seats in the ~~U. S.~~ senate of ~~anti-monopolists,~~ ~~namely,~~ Judge J. S. Hager, ~~a~~ democratic lawyer from New York, prominently identified with California since 1849, and Governor Booth, who resigned the executive post to the lieutenant-governor, Romualdo Pacheco, a native Californian. Booth was an Indiana lawyer who had acquired a fortune in mercantile pursuits in California, together with a reputation for integrity and ability that gained for him high political honors. At the next vacancy the republicans sent to the senate A. A. Sargent, a printer of Massachusetts, who in California became editor, lawyer, and also a politician of skill and influence. In 1882 he was sent as minister to Germany, but received so chilling a reception at the aristocratic court of Berlin that he resigned.

In 1875 an additional division of the republican party enabled the democrats to reassert themselves in the election for governor of William Irwin, an editor and college professor from Ohio, who had long sat in the legislature, and in securing two congressmen. During Irwin's tenure of office the working classes resumed the agitation of the collapsed reform party against monopoly and cognate evils in so effective a manner as to procure a decided change in affairs.

The attention of the humbler classes to the growth of capital, and its intrusion in politics and on popular rights, had been first roused by the pressure of hard times. The close of the war and the opening of the railway both tended to undermine a number of manufacturing industries, which had sprung up on the strength of the distance and difficulty of communications with the east. The influx of fugitives during the war, and the return now of the richer portion of them, together with residents bent on visiting and travelling, increased the depression in business. Labor began to clamor against competition, and for shorter working hours, partly with a view to give work to a larger number. For the promotion of these aims trades-unions were formed, which, with numerical strength, acquired political significance.

The cry of competition was directed almost exclusively against the Chinese, whose economic habits and abstemious mode of life enabled them to accept lower wages than would suffice for the white workman, with wife and children to provide for in accordance with the comparatively exacting requirements of American society. They had begun to enter during the glow of the first gold excitement. By 1852 their number exceeded 18,000, and the increase continued until California alone contained fully

116,000 in 1876. Aliens in race and customs, they found no fellowship among the white people, and their consequent isolation tended to deprive them of public sympathy. The hostility of the Anglo-Saxon miners toward foreigners soon concentrated wholly against the Mongolians, and in 1855 the legislature joined in their persecution by means of oppressive taxes. The class of employers favored them, however, as useful and even indispensable adjuncts for unfolding primary resources and laying the foundation for progressive enterprises. They proved to be more docile and reliable than other laborers, and were accordingly welcomed by manufacturers, farmers, and housewives. Their absorption of a number of leading industries, and competition with white employés, lent strength to the renewed outcry against them, as did the Burlingame treaty of 1868, under which they were accorded equal privileges with the most favored nations on American soil. Congress had so far heeded the appeal of the state as to send a special commission to investigate the trouble, but its report struck against the national tradition of a free country open to all, and if to low whites and blacks, evidently, also, to low yellow races. Nevertheless, congress was impelled by riotous demonstrations on the part of Californian workmen to arrange for an amendment of the treaty with China, and to restrict immigration thence. Enough loopholes remained, however, to alarm the anti-Chinese element, and more stringent limitations were attempted.

During the riotous agitation in 1877–8, capital as well as monopoly was seriously arraigned by the mob in incendiary demonstrations. A panic in the mining-stock market, attended by a commercial crisis, lent intensity to the feeling against manipulating stock-dealers and mine-owners. Land-owners were denounced for hindering settlement, development, and employment by keeping large tracts from the market. The cultivation of large fields under the easy methods permitted by the benign climate and soil of California, operated against regular employment of men, and led to long seasons of idleness and to vagrancy. For this, and more, capital was blamed; and so threatening became the attitude of the rabble at San Francisco, that the vigilance committee, slumbering since 1856, felt it necessary to come forth and subdue the movement. The leader of the incendiaries was an Irish drayman named Dennis Kearney. Finding that intimidations did not answer, he endeavored to perfect the organization of his followers, and bring them together with some more orderly sympathizers, into the workingman's party, which advocated the abrogation of the Chinese treaty, equalization of taxes, judicial reform, and other measures.

Other parties now joined in renewing the demand for a revision of the state constitution. The existing one, copied after remote agricultural states, was declared unsuited to the peculiar climate, resources, and conditions of California. Taxes should be so regulated as to lift them above the whims of a changing and easily corrupted legislature, and so with expenditures, grants, etc. A constitutional convention was accordingly agreed upon, which met in September 1878, with 152 delegates, including 85 non-partisan, 50 workingmen, and 17 republicans and democrats, 35 foreign-born being chosen to prepare laws in an American state!

The influence of the working class is perceptible in several clauses of the new organic law for the protection of labor against capital. A commendable proposition for a property qualification for voters was promptly set aside. The legislature was forbidden to charter roads, lend the credit of the state, grant aid to corporations or individuals, or dispose of water which pertained to public use; special legislation was, in fact, largely restricted. Corporations were so closely regulated in management, taxation, and so forth, and railways so subordinated to a commission for watching over charges and traffic, that they raised serious objections, and many capitalists departed from the state. Taxation was applied to all property, according to value, including moneys, credits, bonds, mortgages, and franchises; land cultivated or not was to be equally taxed when in the same grade and position, in order to discourage large holdings, particularly for speculation. The school fund was to be applied only to primary and grammar schools. State indebtedness was limited to $300,000, save in case of war, or by special consent of voters. The election of the secretary of state was assigned to the people. The supreme court was to consist of one chief justice, with six associates, in two departments, elected by the people for twelve years, with a salary of $6,000. County and district courts were replaced by superior courts, one in each county, with one or two judges elected for six years, with a salary of $3,000, San Francisco being assigned twelve judges. In civil cases the verdict of a majority of the jury was admissible, and regulations were added to ensure speedy trials. The government of cities was left almost entirely to their inhabitants, so as to obviate legislative schemes, but thereby they were also more exposed to partisan votes, notably from a low suburban unit class, and to the corrupt ruling of supervisors. Consolidated cities and counties with a population not exceeding 100,000 should have two boards of supervisors. No county or municipality could spend more than its yearly income, save by consent of two-thirds among the voters. The presence of foreigners ineligible to become citizens was declared to be detrimental to the state. The coolie system was forbidden. Eight hours were to constitute a day's work on all public contracts.

The constitution was widely objected to as hampering legislation with too many restrictions; introducing an untried plan of judiciary; favoring non-resident holders of property in taxation; taking away the control of railways from a large legislative body, and leaving it to three commissioners, with power to establish rates; many evils which promised to issue from such a constitution ~~were left~~ would be irremediable. So many doubts rose even among workingmen concerning it that San Francisco, their stronghold, actually rejected it, and the farmers alone, allured by a lighter taxation, passed it by a small majority, and made it the state law. Amendments of the old constitution would have answered better, for the new document failed in its main objects, to regulate corporations and equalize taxation. Bribery, corruption, Chinese, and other ills continued to flourish. Amendments to enforce the control of railways were early introduced, but were rejected by voters. San Francisco likewise refused to adopt any one of the several charters submitted to her, in accordance with the new organic act.

The sway of foreigners and socialists, as impressed on the constitution, roused the republicans to an effort for redeeming the state, and at the election of 1879 they succeeded in installing as governor George C. Perkins, a prosperous member of a steamship corporation, and a native of Maine. The democrats and workingmen elected the supreme judges, but the republicans carried the congress delegation, and obtained a majority in the state senate, and practically in the assembly. So prompt a modification of the newly inaugurated state of affairs was greatly due to moneyed influence. The late reconstruction party was practically shattered. Its unthinking element could not withstand the machinations of demagogue instruments, as indicated by the choice for mayor at San Francisco.

The following year the democrats obtained an exceptional though slight majority for General Hancock as presidential candidate, but the republicans divided with them the congressmen, and gained a decided majority in the legislature. They consequently selected as successor of Senator Booth John F. Miller, a former state senator of Indiana, who had risen to the rank of major-general during the union war, after which he served as collector of the port of San Francisco, and became president of the Alaska Commercial company. He assisted to carry restrictive measures against the Chinese. Upon his death in 1886 the term was completed by A. P. Williams, a merchant from Maine, and chairman of the republican state central committee. The following year a democratic majority in the legislature replaced him with George Hearst. The senator appointed by the democratic legislature of 1877–8, James T. Farley, a lawyer from Virginia, long in the legislature, and for a time speaker of the house, had been meanwhile supplanted by Leland Stanford, late republican governor, so that the two parties were fairly balanced at the national capital.

In 1881 the republicans were numerically ahead in the legislature; the democrats acquired control nevertheless and disgraced the session by wasting the limited term in useless discussion, so that the governor was obliged to call an extra session, the limitation of which was needlessly exceeded. The following year they affirmed their majority, and managed to squander additional money not long after in a special session for amending the constitution on railway regulations, which ended in nothing; nor was there indeed any shadow of excuse for thus prolonging the session, and causing, without any tangible result, a wanton waste of the public funds.

The presidential election of 1884 called forth the large respectable element, seldom interested in local agitations, which came resolved also to express its disapproval of the legislative proceedings. The result was a marked reversal by a republican majority, which secured the control of the legislature and five of the six congressmen, besides a gain of several San Francisco positions, and a large plurality of votes for

Blaine, the presidential candidate. Two years later the democrats regained a certain advantage by virtue of a republican split, and elected for governor Washington Bartlett, the first American alcalde of San Francisco, and in 1882–6 one of her most esteemed mayors. He was originally a printer from Georgia, who had founded and edited a number of newspapers in this his adopted state. His death in the following year brought to the executive office R. W. Waterman, whose popularity had obtained for him the lieutenant-governorship on the republican ticket. Five of the congressmen were likewise republican, but in the legislature the other party obtained control.

The régime of Governor Waterman, though not distinguished by any special feature, perhaps for that reason more than any other, gave satisfaction to the community, for a people is never so well ruled as when the touch of the ruler is imperceptible. In his message for 1889 were many excellent suggestions, among others, the abolition of all unnecessary offices and the granting of liberal appropriations for needed improvements.

During the session of 1888–9, numerous measures were adopted by the legislature; perhaps the most important were certain acts amending and supplementing the irrigation laws. Others were for improving the civil code of procedure, for establishing a reform school and a school of industry, with appropriations for other public institutions and improvements. No action was taken, however, on the governor's recommendation that remedies be applied for the suppression of the so-called "tramp nuisance," one growing every year more serious, and calling forth urgent requests from every portion of the state that laws be enacted for its abolition.

Thus I have briefly traced the political history of California from the date of the Spanish occupation down to the most recent events in the annals of our western commonwealth. With much to regret in the past, there is also much reason for well-grounded hope in the future; hope that at some not distant day the social and political condition of the state will be in keeping with her material greatness; hope that political charlatanism will erelong be replaced by pure and enlightened government, when from the heterogeneous materials of which our community is composed shall be eliminated their baser elements. Here has been achieved within less than half a century more than was ever before accomplished in double that space of time by the energy and intelligence of man, for nowhere else can be found such ability and enterprise, such boldness of plan, such power and skill in execution. And here, generations hence, may be the abode of all that is choicest in the arts and sciences of the world; here the accumulations of what is best worth preserving in the sum of all human experience; and here, if the state be true to herself, may be developed one of the highest types of humanity that the world has ever produced.

I will now give more at length the biographies of some who have helped to raise California to the proud position already attained among the sisterhood of states.

CHAPTER II.

LIFE OF LELAND STANFORD.

THE QUALITY OF GREATNESS—ANCESTRY AND PARENTAGE—BOYHOOD AND EDUCATION—LAW PRACTICE IN WISCONSIN—MRS STANFORD—EARLY CAREER IN CALIFORNIA—GOVERNOR—THE CENTRAL PACIFIC RAILROAD—THE SOUTHERN PACIFIC CONSOLIDATION—LELAND STANFORD JUNIOR—THE UNIVERSITY; ITS PURPOSES AND ENDOWMENTS—THE PALO ALTO FARM—THE VINA RANCH—UNITED STATES SENATOR—POLITICAL VIEWS—SUMMARY OF CAREER AND CHARACTER.

IN great men ability comes before originality; for while the power to do implies the presence of native ideas, it is not always that the most highly gifted possess the quality of being able. Genius is not always fantastical; the great man may possess genius, but genius alone never was truly great. Ideality is inspiration; invention, mental mechanics. The thoughts which come to the mind of genius, freighted with new benefits or new pleasures to the human race, often spring from sources beyond the practical. No thanks are due the poet for writing divinely, nor to the philosopher for deciphering nature; they cannot help it. Homer, Plato, Newton are the evolution of omniscience, and stand for all men and all time. It is in the strength and universality of the great man's capabilities that his greatness consists, not in some chance inspiration or originality of thought or action.

Every great man's life illustrates one or more of the fundamental principles of human ethics, and the province of biography is to discover and apply those principles. As the demi-gods of mythology were each the embodiment of some dominant idea, so the strong men of these latter days make paramount their genius in high thought or poetic circumstance. Man was made for nature no less than nature for man, the material in nature being at first dominator, but afterward falling more and more under subjection to the intellectual. It is only in this moral application of human doing that we may hope to make any progress in the study of our race.

A man is prominent in his day in some degree as he is enabled to forecast the future, whether in religion, politics, or material affairs. His religious creed outlines the theology of the future; his principles foreshadow the coming government. He is an outcome of the existing state of things, evolved from the superiority of the times, created while creating. The efforts of strong intellects to fathom the inner consciousness of their own natures, or to solve any of the problems which baffle science and philosophy are followed with deep interest by all thoughtful observers. Even though the results be not wholly satisfactory to the logical mind, much is to be learned thereby, much that would not otherwise be known.

There are many examples in history of men who have made their mark in some one direction after their merits had long remained unrecognized; but there are a few that stand preëminent over all others of their day or generation in several directions, and few whom, as in the case of Shakespeare, it has taken a dull-witted world three or four centuries fully to appreciate.

In the study of such characters as those of Leland Stanford and his colleagues it is somewhat puzzling to know where or how to begin. They are different from all others whom we meet; their relations to us and their position before the world are individual. They belong to the few who will be better understood and appreciated as time passes by. Their achievements are greater than our minds can fully grasp; their future influence, far down the centuries, it is not given unto us to fathom. Throughout all time their deeds will propagate themselves, for good as their acts have been good, for evil as they have been evil; and we may reasonably expect that the results will be great in proportion as the achievements were great.

All men possess qualities which, properly used, under ordinary conditions lead to success; but not all those who are greatly gifted in ability or genius become prominent. Great emotions spring only from great souls; it is the narrow mind which has room only for petty details; yet details are essential to every day affairs, just as small men are essential to every society; for all cannot be great, else there would be no greatness, and without the insignificant details there could be no great ends accomplished. The details attending early life, particularly the early days of an important life, are most of all important; hence, in this instance, let us first consider these.

Mr Stanford is in the main of English stock, though with Irish blood on the father's side. His ancestors crossed the Atlantic early in the eighteenth century, settling among the thrifty farming community of the Mohawk valley. His native place was Watervliet, New York, eight miles from Albany, where he was born on the 9th of March, 1824. His father, Josiah Stanford, was a native of Massachusetts, and came to New York with his parents when four years of age. His mother was Miss Phillips, whose parents had been married in Boston, moving thence to Vermont and later to New York. His grandmother's name was Roberts, and the name Leland comes from the Lelands of Vermont.

The old homestead farm, called Elm grove, was on the road from Albany to Schenectady, and there for many years lived Josiah Stanford, cultivating his lands and rearing his family. Yet he was more contractor than farmer, as indeed was his father before him, the latter having aided in the construction of the turnpike between Albany and Schenectady. Josiah built roads and bridges in various parts of the country and was greatly interested in the Erie canal, being one of its first advocates, and carefully watching its progress until the end. It was the forerunner of very important internal improvements, the locomotive following not long afterward. It is not a little remarkable that when, in 1829, the legislature of New York granted a charter for a railroad between Albany and the old Dutch town of Schenectady, the father of him who was destined to drive the golden spike which should complete the continental track from ocean to ocean, should be among the foremost in this new enterprise, taking large contracts for grading and pushing forward the work with all his accustomed intelligence and energy. Thus the railway work of the father, which was so grandly supplemented by the son, began with that first fifteen miles of road out from Albany, forming a link in the transcontinental chain. A railroad was something strange in those days, and the Stanfords lived so near it that Leland's Saturdays were passed in watching the work, in which even then he was greatly interested.

Both of Leland's parents possessed marked characteristics, physical and mental. The father was of powerful frame, yet active, the body keeping full pace with the mind, which was never idle. As the father of a family he was a liberal provider; as an American citizen he felt his responsibility and always took an active interest in public affairs. The mother was likewise very energetic, possessing great will power; she was a fine conversationalist and thoroughly devoted to her family. There were seven sons, of whom Leland was the fourth, a daughter, the first born, having died in infancy. Six of the brothers came to California, though but one besides Leland remained, these two being early connected in business in their adopted state.

They formed a busy band of workers on this Elm grove farm; father, mother, and children, with not a drone in the hive. The father, a born leader of men, had sturdy followers in his sons. Even to them he seldom said "Go," but "Come, boys;" and of all the people round they were first at their task and the last to quit the field at night. To be put to work at five o'clock of a New York winter morning would seem cold comfort indeed to the average young man of these degenerate days.

Until twelve years of age Leland attended the common schools, when change of residence removing him from their neighborhood, for the three following years he had teachers at home. Then followed a period of two years during which he assisted his father in carrying out a contract for the delivery of a large quantity of wood from his lands adjacent.

Too great importance cannot be attached to this kind of training, wherein the physical is developed equally with the mental, the two being unfolded side by side into that type of manhood which assures the fullest success. A few years at school at Clinton, where he was long remembered as a large, well-favored boy, genial, kindly, and affectionate, with a sunny temperament and a happy disposition, making him a favorite with all, and the age of twenty-one was attained; when young Stanford entered the law-office of Wheaton, Dolittle & Hadley, and after three years of study was admitted to the bar.

From his earliest days he was somewhat of a student, especially of such things as pleased him. When a boy on the farm every leisure moment found him with a book in his hand; whenever he came into the house, or whenever he had a spare half-hour, he would fill up the time with reading. People wondered how he found time to read so much; he would have told them that it was by appropriating the moments which would otherwise have been wasted. He would sit up at nights and read, and could not lie down to rest without his customery food and exercise for the brain. Later in life, no matter how severe his task, no matter how weary his frame, he would always read when the day's work was done, then, laying aside his book would often lose himself in thought. During such moments of solitude and reflection were planned some of his greatest and most successful enterprises.

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His grandfather used to say of him that he would be a judge; so earnest and serious was he in his intellectual pursuits, and by this title he was known among his family and friends. His omnivorous appetite for reading and study could not be indulged without inspiring him with ambition; and as the books he devoured were of a moral and useful tendency, the result could not be otherwise than beneficial. While yet a boy, he determined to do something for his fellow-men, should his life be spared. The lives of Washington and of Franklin, by Weems, greatly interested him; also the almanac of Poor Richard. How his heart stirred within him as he gazed upon the picture of Putnam emerging from the den of the wolf, the men lifting him out as he held the animal by the ears! Weems' invention of the truthfulness of Washington—the story of the hatchet and cherry-tree, and the boy who could not tell a lie—could not fail to exercise a powerful influence on his earnest and reflective mind.

Then there was the life of General Francis Marion, purporting to have been written by Harrie Marion, a most remarkable writer, but whose real author was Weems. Harrie was a southerner, it was said, who after the revolutionary war visited Marion, and discussed with him the question of slavery, showing how great an evil it was to South Carolina, how it bred ignorance among the masses, and how much lower they were in the scale of humanity than the people of Massachusetts. It was the ignorance and debase-ment of the people of South Carolina, he said, that prolonged the war for two years, and caused the loss of so many more lives. The young and impressionable reader was on the side of the eloquent and patriotic author, of course; but it nevertheless sounded strange, even to his youthful ears, such speech from a southerner.

Taken as a whole, as before remarked, it was a splendid preparation for the life before him, giving him what money could not buy, a magnificent physical organization, thrifty habits, keen perceptive faculties, and a well-balanced mind—in a word, that perfect equipoise which carried him through all the various experiences of life and made him what he is. Like many of the world's most original thinkers, he was, during this early period of his career, somewhat impatient of social conventionalisms or too strictly scholastic methods in education. Nature was ever his first and favorite teacher, and it was during this open-air life that his most valuable experience was gained, that he was led to the closer observation of material things by which alone the natural sciences can be properly understood. In his schooldays he would not strive to outshine his companions; in later years he gave little thought to brilliant reputation or indeed to the opinions of others regarding himself. It satisfied him to know that he might reflect for himself, and possessed of the facts he could draw his own conclusions. Thus originality of thought and independence of opinions were early developed as among the leading characteristics of his mind.

Young as he was, when the question of a railroad to Oregon was first agitated, Leland Stanford took a lively interest in the measure. Among its chief advocates at that early day was Mr Whitney, one of the engineers in the construction of the Mohawk and Hudson river railway. On one occasion when Whitney passed the night at Elm grove, Leland being then thirteen years of age, the conversation ran largely on this overland railway project, and the effect upon the mind of such a boy may be readily imagined. The remembrance of that night's discussion between Whitney and his father never left him, but bore the grandest fruits. Except to those who see a divine providence working in the hearts and minds of men, so simple a coincidence may appear somewhat strange and startling. We hear much said of self-made men, a somewhat meaningless term as ordinarily applied. All men are in a sense self-made; and those who depend wholly upon a collegiate course of education for their higher development are usually the poorest made of all. The best training is not that which rivets still firmer ancient intellectual fetters, but that which engenders originality of thought and the formation of ideas.

It is in this latter category that we now find young Stanford. He has had schooling enough to teach him how to acquire knowledge, without having laid upon his faculties a load of useless rules and formulas. Scarcely had he left school before the philosophy of history and political economy attracted his earnest consideration, and brought to his mind the purest and most profitable reflection. Later he delighted in social statics and intellectual development, De Tocqueville, John Stuart Mill, Buckle, and Herbert Spencer being among his favorite authors. For light reading he enjoyed the English essayists and novelists. For the dead languages, or for any other dead thing, he entertained not the same consideration as for the living. Patristic formulas and meaningless mythologies commanded his respect no more than the dry technical rules of grammar, or any species of hollow conventionalities. But for real knowledge his thirst was unbounded. In the physical sciences and in mathematics his interest never wearied; but soon there appeared in the ever-strengthening development of his mind keen analytical powers, the deduction of principles from facts, the sifting of evidence, the weighing of possibilities, the derivation of the laws of probabilities, and the working out of sound general conclusions. Moral philosophy, and questions bearing on that subject, were always a pleasure to him.

Thus, though well taught at the schools, and surrounded by all the best influences that environed the growing minds of that period, it was when he ceased rote-study that his education really began. And as in every instance of the kind, whatever of greatness he developed was after and in spite of traditional and conventional teachings. In a word, his mind was fortunately not buried in youth beneath a mass of worthless lore. Yet his capabilities presented a vast surface, no less polished than profound. Even at this early period he was equally, though somewhat unconsciously, at home in science or art, in ethics or esthetics, but always viewing things from a practical standpoint. He possessed the artlessness of sincerity, which, if consciously handled, is the highest art. Every kind of knowledge he made useful, and subordinated to his purpose, until he had carried to perfection the art of adapting means to ends.

Following the universal drift of material and intellectual progression, Mr Stanford early turned his eyes westward, never resting wholly content until the shore of the Pacific was attained. Before news of the discovery of gold had reached his ear, or California had attracted much attention at the east, he had determined to seek a desirable location for the practice of law somewhere in the vicinity of the lakes, in which direction the tide of civilization then tended. After visiting several places, he finally selected Port Washington, Wisconsin, as best suited to his purpose, and there established himself early in 1848.

The steady current of migration and the growth of the lumber industry had given to the place an air of prosperity, and Mr Stanford entered at once upon what was then considered a lucrative practice, his earnings the first year being $1,260. On leaving home his father had presented him with a law library, which was the best north of Milwaukee, the supreme judges frequently coming to Port Washington to have access to it while writing their opinions.

In 1850 he visited his old home, and while there married Jane Lathrop, a most estimable young lady, with whom he had been for three years acquainted, and the daughter of Dyer Lathrop, a merchant of Albany, whose family were among the earliest and most respected settlers of that city.

Mr Lathrop was born in Norwich, Connecticut. When about seven years of age his parents went to New York city, near which they engaged in farming, later removing to Albany. After reaching his full growth there was but one man in Albany taller than himself, for he was six feet three inches in height, well proportioned and with a commanding figure. He was a man of sentiment and of a religious turn of mind, affiliating with the baptists, though he never joined any church. He was very sympathetic and charitable ; any one could draw upon his feelings or his purse. His good deeds extended in every direction, and he was greatly beloved by all who knew him. He was practically the founder in Albany of the orphan asylum, and was treasurer of that institution and a director until his death.

The year of his marriage Mr Lathrop built a small house in Albany, where were born all of his children, except the eldest. These were Daniel Shields, Anna Maria, Jane, Ariel, Henry Clay, and Charles Gardner Lathop. In this same little house father and mother passed away, and the property has ever since been retained by Mrs Stanford.

There were many singular and exceedingly interesting circumstances connected with the early lives and marriage of Leland Stanford and Jane Lathrop. Their families were among the very best of the

Albany and Schenectady society of the olden time. The father of Mrs Stanford's mother was by birth a Finn, and by profession an episcopal minister, who preached in Kent for thirty-five years. Her grandmother on the maternal side came to this country when she was twelve years of age, the family leaving their native land on account of liberal religious views. Grandfather Lathrop was in the revolutionary war, and when Lafayette visited this country they exchanged canes. Six or seven generations back the Lathrops were all ministers.

Some facts that were not known until twelve or fourteen years ago are these: Mrs Lathrop, Mrs Stanford's mother, and Leland Stanford were born in the same house; and Jane Lathrop and Leland Stanford's mother's mother were born in the same house. It came about in this way: The grandfather of Mrs Stanford's mother bought the place of Mrs Stanford's grandfather; it was afterwards sold, Mr Stanford's father being the purchaser. For a time the family lived on it, and it so happened that Jane was born there. All this came out during a visit of Mrs Stanford to the wife of her husband's brother, who took her guest to call on a neighbor in whose yard were some gravestones. "Is this a burial-place?" asked Mrs Stanford. "Some persons belonging to the place have been buried here," was the reply, "and on one of the stones is your family name." Mrs Stanford looked and found as has been said, the name of Mary Shields.

Returning to Port Washington with his young wife—throughout all the long years that followed, his most loving and devoted consort—Mr Stanford remained until the beginning of 1852, when there befell him one of those providential blessings which sometimes come to us in the guise of calamities. This was the total destruction by fire of his office, with all its valuable contents, including, of course. his law library.

I say providential, meaning that so far as human eyes can see or human judgment determine, the career of Leland Stanford would have been very different but for this visitation. To those whose eyes fail to penetrate beneath the surface of human events, the circumstances which throw men out of the ordinary routine into a field of opportunity seem the results of chance, or, as some would say, providence, while to others they appear to have been brought about by everyday material phenomena.

The work which this man has done on the Pacific coast, and on the continent, the influence which he has exercised, the benefactions to the race of which he has laid the foundations—where would have been all these but for this disaster, and how and by whom, if at all, would his work here have been accomplished? In one sense such questions are idle, none but omniscience being able to answer them; in another they are pregnant with weighty significance.

Meanwhile had come tidings of the discoveries of vast mineral wealth in our lately acquired possessions on the Pacific seaboard, and a wild excitement had overspread the entire eastern world. Five of the seven brothers had gone to California, and there Leland had often thought of following them, before the destruction of his office at Port Washington. Now the way seemed clear to him. Immigration to the lake region had ceased, the timber land having all been taken up, and the law business declining accordingly. Mrs Stanford, likewise, who had hitherto opposed the project of removing to California, now expressed her willingness for the change, and it was accordingly so determined. It was fortunate for the world, as subsequent events have proved, that the change should occur at this time. The profession of the law, marred by unmanly subterfuges, and hampered by a mediæval clockwork from which not all the arts of man have been able to set it free, was not one that commended itself as the most elevating and ennobling to a practical, common-sense nature like Stanford's.

Had he remained in this profession, however, he would assuredly have risen to eminence; he had already shown marked ability in the examination of witnesses, his keen knowledge of human nature here standing him in good stead. But he considered it worthier to employ his faculties in a wider and more useful sphere than in embarrassing the clients of professional opponents in courts of justice. Mr Stanford's legal tact and acumen, his perseverance and breadth of intellect might have given eventually a chief justice to the country, but even that high office pales in comparison with the nobler and more important position that is his to-day.

Says an intimate friend: "If placed in a city like New York or Chicago, he would have been at the head of the bar; he would have stood side by side with such men as Charles O'Connor. He would not perhaps have been a brilliant man like Conkling; but his judgment on a given question, rendered at the spur of the moment, would have been worth more than Conkling's after a year's patient study and research. Though he has been of much greater service to the country as a railroad builder, the bar lost one of its ablest men when he left the profession. The power he has shown of reaching correct conclusions, his cool unbiased judgment, and his capacity for work would have made him one of the foremost jurists in the land."

It was truly a fortunate time, not only for California, but for the world, when Mr Stanford turned his back on Wisconsin and law, and set forth for California.

He had never indeed cared for the Wisconsin country, with its harsh winters and its population composed mostly of Germans. At the same time, California, although possessed of a beautiful climate, was a long way off, and Mr Stanford was still doing well in his profession. Nevertheless, when he came home after the fire and said to his wife: "Well, now that everything is lost, what shall we do?" "Go to California," she replied. And so it was settled. The remnant of their property, including household effects, was sold at auction, and in less than a week after the fire they were on their way to Albany.

Meanwhile Mrs Stanford had written to her father, fearing that he would oppose her removal to California. It was as she had thought, for on entering her former home he said, "No, I cannot let you go." This, however, had little weight with one whom love and duty both called in the same direction. A few days after they went to Mr Stanford's home, and his parents made the same objection; he might go, but alone, to this far-off, new and untried country. Still the good wife never thought of thus parting from her husband. Thus he continued his preparations for the voyage, until finally the parting hour arrived, when Mr Lathrop positively refused to let her go. Both felt keenly the disappointment, but they saw it would make him so perfectly wretched that Mr Stanford finally said: "Well, stay; indeed I think it will be better so, until I can make a suitable home for you."

So bidding them good-bye he took an early morning train for New York, leaving his wife well-nigh heartbroken, and feeling that she had been very unjustly treated. Indeed, so utter was her dejection that, on returning home that night, her father promised she should see her husband again, telling her mother to accompany her to New York before the vessel sailed.

It was all unexpected to Mr Stanford, the appearance of his wife and Mrs Lathrop in New York; though his joy at the meeting was perhaps tinged with regret, in view of a second parting, while Mr Stanford's father, who was present, feared lest the previous good counsels should be overruled. Early in the morning they all went down to the steamer to inspect his quarters, and see to his comfort. Finally Mrs Stanford became reconciled to their separation, feeling with the others that it was for the best.

This was in June 1852. And not many weeks elapsed before Mrs Stanford felt assured that her steps had been directed by an all-wise providence. Her father was taken ill with what proved to be his last sickness, and throughout the greater part of that summer was confined to the house with a severe cold, accompanied with hemorrhages and violent fits of coughing. For nearly three years she attended personally to all his wants, seldom leaving his side, and tending him with all the devotion of a kind and sympathetic daughter to the time of his passing away, which was in April 1855.

Information of this event reached Mr Stanford in May, and in June he hastened to join his wife. He found her greatly reduced in health, owing partly to the strain on her system, together with the care and anxiety incidental to the protracted illness of a beloved parent.

Educated at the Albany female academy, Mrs Stanford until she was married had never been away from home, and her home life had always been earnest and sedate. She was deeply attached to her parents, and thoroughly devoted to her husband, and all worthy relatives and friends. All the events of the last long sickness of her father were fresh in her memory, and undoubtedly her character in its formation was largely influenced by that experience. Being with him so much of the time, attending him by day and sitting by his side at night, she listened while he talked to her, telling how she should live, the example she should set, and that she must be what she would have those around her be, to that end living a useful and Christian life. All this, and Mr Stanford's absence, gave a serious turn to her thoughts, and she felt it a great burden thus to be left alone. Nevertheless, she bore it patiently, until her father was laid at rest in the Albany cemetery, where were already grand-father and grand-mother, and where the mother was in due time to be placed.

On the death of her mother, who had been for some years a resident of California, the property was to be divided among the children; but Mrs Stanford and her brother assigned their portions, including their share in the old homestead to a sister, who, except during their mother's illness, had lived with them since 1860. Later this family residence was transferred to Mrs Stanford, who caused it to be torn down, and built in its place a home for orphan children under seven years of age. It was called the Lathrop Memorial and Helping Hand, and provided by its founder with an endowment of $5,000 a year until a settlement of at least $100,000 should secure a permanent income of that amount. At first intended only for the children of mothers going out to work, and in need of a place where to leave their little ones, it was afterward combined with an orphan asylum, open to the children of the poor, without regard to sect or creed. Thus hundreds of helpless infants have already been cared for during the most critical period in their lives, many of them being afterward adopted by families living in the neighborhood.

It was more of a trial than we can now realize, this long separation of Mrs Stanford from her husband, and it exercized a marked influence upon her health, second only to that arising from the care of her father. She was so young; yet she was brave, and would endure anything in the line of her duty. But it was hard; the people of Albany had peculiar notions in those days; the fact that her husband had gone to California and left her at home of itself gave rise to suspicion. It did not matter to them the breaking of her heart, the sacrifice she was called upon to undergo, the duty to a dying parent, or that the parents of both Mr and Mrs Stanford equally regarded it as best for her to remain. The conventionalisms of society are more cruel than steel, more inexorable than fate.

California was regarded with distrust in those days, commercially and socially, and the good people of Albany would pity Mrs Stanford in her immediate presence. That they, in their stolid ignorance, knew not what they were saying, made little difference; Mrs Stanford was very sensitive, and was much hurt by their ill-advised sympathy. It caused her to isolate herself more and more, which added to her ill-health, thus increasing the great burden she bore for three years; and if Mr Stanford had not returned when he did his devoted wife could not have lived to endure it much longer. When he reached home he was shocked at her appearance. He had expected to find her in delicate health, but no one had told him how ill she was.

An earnest Christian, kind of heart and of contemplative mind, life has always presented itself to Mrs Stanford in its more serious aspect. She was the close companion and partner of her husband on all occasions. In all his undertakings he consulted her, and she in turn laid all before her heavenly friend and Savior. In the early days of the railroad, when he would say I am going to do so and so—something which she kew was causing him deep anxiety—she would go to her room and shut the door and say, "Now, dear Jesus, I have come to tell it all to thee." For so her father had taught her, saying that religion, if real, is practical, and that the wife, consciously or unconsciously, moulds the husband for good or ill, and is moulded by him, the two natures thus ever becoming more and more alike; so that it beho~~o~~ved her to see that the good should prevail in both.

Let us now follow Mr Stanford during his first three years' sojourn in California. After due preparation and the closing of his affairs at Port Washington, he set forth, as we have seen, for California in 1852, leaving Mrs Stanford at her old home in Albany. The journey was made by way of Nicaragua, twelve days being occupied in crossing the Isthmus, and thirty-eight days in the entire trip from New York to San Francisco, where he landed on the 12th of July.

Proceeding to Sacramento, where his brothers were engaged in a general merchandise business, he spent a month in visiting them and viewing the situation. It struck him from the first that settlement here would be permanent, that this section of the world had a future, and that many would remain, whether they had originally so intended or not. His first idea was to secure some land, which would give him a footing in the new community; so he attended an auction sale at which his bid was accepted for a certain lot, but the title proving defective he did not purchase the property. Then he went to Cold Springs, in Eldorado county, and though wholly inexperienced in merchandising, he opened an establishment there, and entered on his mercantile career. The following spring he started a store at Michigan Bluffs, then the central business point of the Placer county mining district, and carried on a considerable trade, prospering in all he undertook.

In mining he was specially fortunate, securing possession of one of the richest gravel-banks then known. One day he went down to this mine, where the men were washing out dirt in two long sluice-boxes, and one could see the gold on the bottom. They took out about a hundred ounces of gold a day, bringing the dirt out from the tunnel in a car. The tunnel had penetrated six hundred feet through the rock before striking gravel. Said Mr Stanford to the foreman: "I wonder if we cannot find some rich dirt." "I reckon so," the man replied. Taking a pan and pick they entered the tunnel, and passing on some distance, the foreman finally stopped. "I think this is quite rich," he said. So they dug into the edge of the tunnel, and shoveling the dirt into the pan, took it out and washed it. There were seventy-six ounces of gold in that one pan of dirt. They had previously entertained no idea of the richness of the deposit, from which $50,000 was afterward taken out within a space not exceeding twelve feet square.

In drifting in gravel mines it was then the custom to pass on through to the rear of the claim without stopping to work out the sides; hence in this case, while the foreman knew that certain spots were rich, he had not disturbed then while drifting.

Then there was a quartz mine, which returned $100 to $104 a ton, the ore costing only about $4.00 a ton to hoist and crush it, leaving an enormous profit.

Thus in his mercantile ventures, but more by mining, he had already accumulated what was then a considerable fortune. As courts had not yet been established, justice being summarily administered, he did not follow his profession; but in his mountain home he lived a more useful and congenial life.

Here was a new and stupendous school of human nature for him who could profit by it! A young man still less than thirty years of age, intelligent, cultured, with the fullest development of all his faculties, physical, mental, and moral, cast aloof from all former restraints in this maelstrom of the nations—how would he stand this test of character? what quality of distillation would issue forth from this fearful alembic? Thousands had hitherto fallen; tens of thousands were yet to fall—young men of strength and stability they supposed themselves, yet yielding to the treacherous and enticing snares of Satan, turned into veritable swine by the Circe of the foothills. But for him who was proof against such temptations, there was no spot on earth, at that time, where one could learn more of himself and of his neighbor, of his own nature and the nature of others, than in these gold-fields along the base of the Sierra.

And Leland Stanford found himself possessed of sufficient strength thus to stand. His birth and

training had been such that, amid the trials and temptations of life, he found himself always in complete possession of himself, and not the prey of any demon or destroyer. Quickly familiarizing himself with the details of his business, he next made a study of the men around him, soon causing them feel that
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he was interested in and capable of understanding them. Moreover, being affable in his manners, upright in all his dealings, moral and temperate without asceticism, a keen judge of human nature, with good conversational powers, and none but good acts and intentions in any quarter, it was not possible that he should live long in that rough, though warm-hearted community, without drawing to himself a host of friends. Thus from the first he so grounded himself in the hearts of the people that when, in 1855, he took his departure from the gold-fields to engage in broader enterprises, there was little within the compass of their hands they would not have done for him. Here, indeed, began that popularity and power in California which to this day has gone on increasing in such marvellous degree.

By this time Mr Stanford had become fully weaned from legal pursuits, and having acquired considerable pecuniary interests in this country, concluded to make California his home. No sooner was this determined than he at once proceeded east, and bringing back with him Mrs Stanford, settled in Sacramento. This was in 1855, in which year he purchased the
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business ot his brothers, who removed to San Francisco and engaged in the oil trade.

The house in Sacramento soon ranked among the most prominent in California, and here was developed the capacity for dealing with large affairs which aided so largely in his subsequent career. A purely professional training leaves one at a great disadvantage when called upon to act outside of his beaten path. It is difficult for a person accustomed to think and act wholly within himself, within the limits laid down by the special experience he has been compelled to undergo, to break loose from such pursuits and enter upon others without committing serious blunders. One of the first things a mercantile man is forced to learn is to utilize the labor of others. He cannot accomplish great purposes who employs only his own head and hands. And though it is more difficult, as a rule, to obtain the desired results through another's labor than through our own, it must be done. During his mercantile career Mr Stanford learned many lessons in this direction, which were of the greatest benefit to him, both at the time and subsequently. By them he was not only enabled greatly to enlarge his business, engage in extensive commercial transactions as importer and merchant, but there was here developed that executive ability, growing out of increased powers of generalization, for which he was ever afterward distinguished.

Notwithstanding the multiplicity of cares and the ever-increasing requirements of business, it was impossible for a mind like Mr Stanford's not to perceive the threatening approach of a great national crisis. Partisan politicians of the north and the south, patriots, statesmen, and demagogues of every quality and hue, had long been hurling maledictions one at another until the noise of the universal clamor had become somewhat deafening, even in California. The great questions of the day were regarding state rights and African slavery.

The Sacramento merchant was not only a true patriot, with the inherent qualities of a statesman, but he was a philosophic thinker, at once humane and profound. Amid the fermentations of popular prejudices and time-worn traditions, it was no difficult matter for him to discern in the questions of the day what were the true rights of man—and the first among those rights was personal liberty. Human slavery was a relic of savagism, long since discarded by the foremost nations. If the constitution of the United States protected certain of its people in wrong-doing, then the constitution should be altered or discarded. Human wrongs cannot be made right by laws or governments. These were for that day advanced ideas, though ratified by public opinion during the civil war which followed.

At this time Mr Stanford was not wholly prepared to repudiate the claims of the south to their right to hold slaves under the constitution. The republican idea, before the war, while opposed to slavery in the abstract, was in the main that the people of the south should in some way be protected in their alleged rights in slave property. And even now it can with some show of reason be maintained that the citizens of a government acquiring property under the laws of that government should be protected therein by the government; if the government has committed an error, or indulged too long in a barbarism, let it amend its ways, but at the expense of all and not to the injury of a part. Thus every shade of doctrine was shadowed forth, and bitter invectives hurled from one end of the republic to the other.

The true theory of our government was by many misunderstood, just as to-day people are pouring in from Europe and attempting to rule or ruin us, who have but a faint conception of what success would signify. Accustomed to coercion at home, they cross the ocean to attempt the coercion of a free people here; just as our fanatical forefathers who came hither to escape persecution could not resist the temptation to persecute here, even to the burning of women for witchcraft, and like abominations.

During his early manhood Mr Stanford had been by education and association a whig. He was an earnest supporter of the great free-soil movement, as it arose and gathered strength throughout the land. Though not an ultra-abolitionist, he could truly say that he had never held the black man in contempt;

nor did he ever despise a man because he was ignorant and poor, no matter how such a class might come in from Europe and talk of communism and the tyranny of capital.

It was during such times as these that the republican party came into existence, and it may be said that Leland Stanford was one of the founders of that party in California. Its organization here occurred in 1856. Mr. Stanford's active participation in state politics did not begin until the formation of the republican party; yet prior to that event, though greatly absorbed in business, he found time to consider such public affairs as he deemed of importance, attending conventions occasionally and interesting himself in seeing that proper men were selected to represent the state in congress. It was now that his real life began. What had gone before was simply preparation. It was now that he was to step forth as the exponent of a great party, and the disseminator of those principles which from the first he foresaw would in due time rise superior to all others. No personal political aspiration lay at the bottom of it; being by nature and education a lover of country, a lover of the right, a lover of progress and morality, he could not resist throwing his influence in these directions.

At the same time, standing at the front of a young party whose prosperity he had greatly at heart, he could not shrink from responsibility, even to the leading of a forlorn hope. Such was the situation when at the next state election after the birth of the republican party he accepted the nomination for state treasurer.

His principles cost him something. His at first was not the popular side. The population of California was then largely composed of men from the southern states, men despising all those who entertained any sympathy for the slave, men holding themselves to be the proper rulers of the people as by divine right. In politics and society an antislavery man in California, before the war, was in a measure ostracized; the northern men, who were holding themselves somewhat aloof from public affairs, devoting themselves almost entirely to their money-making, intending presently to leave California forever and return to their homes in the East. The southerners, on the other hand, came to California to rule, to hold office, to manipulate elections and sit on the judge's bench. These were many of them broken down politicians who, having outlived their usefulness at home, had come to the Pacific coast, here to remain as long as their peculiar talents furnished them a livelihood. They despised work, or any profitable or useful occupation outside of governing their fellows and sitting in judgment upon them. They were the aristocracy of the time and place, frequenters of gambling-saloons and election conventions, but seldom were they seen at meetings held for the improvement of the race or the development of the country.

Hence it was that the attitude at this time assumed by Mr Stanford in openly avowing his principles, and taking a firm stand for the right regardless of consequences, was not altogether an enviable one, nor wholly without its self-denials. But whether pleasurable or painful to him personally was not the question. It was reformation that was needed, the same political regeneration throughout the country that had been begun by the great popular tribunal of 1856 in the city of San Francisco. And no true reformer ever paused to count the cost, whether in money, or pleasure, or prestige.

In 1859 Mr Stanford was nominated for governor. Many thought that the organizers of the new party should unite with the Douglas wing of the democracy, or free-soilers, as they were called. But Mr Stanford did not regard this plan with favor. There was nothing national, nothing sufficiently substantial in this body to meet the portentous emergencies which the sound judgment of the Sacramento merchant foresaw. He would form a party which would stand the test of time; and being based upon the insurmountable principles of human freedom and human rights—the broadest liberty consistent with good order and good government—would grow fairer and stronger all down the centuries.

"Better that you should join us," said Stanford to the free-soilers, "and so assist in forming a great and permanent party, for as you are, you are surely destined to play but a very insignificant part in coming events." But they said "No," while Broderick, their chief, went forward to his death, slain by the slaveholders. And it was about the last triumph of the ultra-southern democrats, this slaughter of the leader of the northern, or free-soil, democrats. For in the new party a mighty power was coming to the front, destined in the end to swallow up all the rest, and to revolutionize and purge the nation, wiping away the stains of dishonor with the best blood of its sons. In thus espousing the cause, in thus organizing the party, in thus throwing himself into the contest, body and soul, at a time when old and crafty politicians held back, fearful of some mistake, the Sacramento merchant displayed a cool, unflinching courage, which threw into the shade that of any slave-holding fire-eater, and gave earnest of the qualities which he afterward displayed as a statesman.

Stanford accepted the nomination and ran for governor for the purpose of coalescing and unifying his party preparatory to the campaign of 1860. He estimated that he would have 10,000 votes; he received 11,000. A great effort was made to have the candidates withdraw, and all the republican members consented to do so, except himself and one other.

Had he been at this moment less firm, less determined to plant the principles of freedom ineradicably in the soil of California, it is impossible to tell what would have been the result. Already in the distance was heard the low ominous rumble of coming civil strife, and the destiny of California hung upon a thread. Among her population were strong sympathizers with both the south and the north, and upon which side, as a whole, she would ultimately be found was extremely uncertain. The effect of her secession, should she secede, upon the nation and upon the great national issues of slavery and the integrity of the union, could not be estimated. As she went the other Pacific states would go. These states, bordering on the great ocean, would constitute either a bulwark of defense, or a base of operations for national destruction.

Again, as we all know, money is the sinews of war. It would make a vast difference, perhaps a vital difference, whether the two or five millions a month of precious metals from California, Nevada, Oregon, and the rest of this vast metalliferous region should be turned into the coffers of the north or of the south. As it was, with all the coin this great and steady influx could produce, added to the material wealth of the north, United States currency depreciated two-thirds, while confederate currency fell to nothing. We could speculate further, until in our minds speculation crystallizes into fact—how, with the Pacific seaboard free of access, and the coin-creating wealth of the mining states at their command, the great powers of Europe, jealous of our intellectual progress and material prosperity, would have gathered around us like birds of prey; how they would have delighted in and aided the disintegration of the republic, placing an iron hand on each dismembered portion, balancing one against another to suit their ends, and, to our eternal disgrace and ruin, dominating in America as they dominate in Europe. To see how easy all this might have been we have only to glance at the significant proceedings of France in Mexico.

It is overwhelming, this idea, and the certainty of it, that the fate of California, and perhaps that of the whole nation, should be determined by the foresight, discretion and firmness of a few leading men who were then watching the progress of affairs from this Pacific seaboard with absorbing interest. And to none does this state and nation owe more in this hour of trial and emergency than to those who organized and headed this league of protection at the very moment of its direst necessity. There they stand, alone, unaided, unsupported, among the grandest and most conspicuous figures in our history, with noble purposes and divine intuitions, declining the invitation of their opponents to throw up their party and principles and unite with them. Had this been done, had Stanford and his colleagues joined Broderick, it is not possible to tell the results.

Of the sentiments of the people throughout the state Mr Stanford made a careful study. He went among them, into their stores and factories, among their workshops, and out upon their farms, and strove with them as a pastor strives with his flock. Then he would ask their opinion as to the situation; he would speak of the importance of his party, its principles and measures in view of the present embarrassment and the great national issues soon to be decided; and what he saw and heard he treasured up, so that he could make intelligent estimates as to its status and prospects. Taking with him General Tracy, he canvassed the state, and during this canvass he saw more to give him confidence in the future of the republican party than ever before.

During this canvass an incident occurred at Downieville that is well worth relating: While Stanford and Tracy were at dinner, a republican addressed them, urging them not to speak there that night, as was their intention, for he deemed it dangerous.

Republican sentiments, particularly anti-slavery sentiments, were not popular in California; the times were becoming perilous; the air was loaded with treason; revolution was threatened, and bloodshed at any moment imminent. "There are only two republicans here besides myself," he continued, "and we hardly dare show ourselves."

After dinner they set forth in search of the other two republicans, for they were determined to hold a meeting at once, before their opponents had time to plan violent measures. They found them; but their mentor they never saw again, for he was a consistent fellow, who followed his own advice, if others did not.

Meanwhile certain of the democrats, in the spirit of fun and fair-play, assured them that they should not be molested, and one of them even offered to preside at the meeting if they could find no one else to do so. But one of the two republicans coming to the rescue, they were saved the ignominy of a democratic president at a republican meeting.

A fair assemblage gathered. Stanford opened the meeting, introduced Tracy, who was an eloquent speaker and was not afraid. In clear and forcible words he laid the situation before his audience. The north and the south were divided in opinion, in sentiment, in religion, in mind and heart and soul upon a most important issue. Should the cause of contention be removed, or should the north and south separate and go each its own way? He rang in their ears the curses, the abominations, and the barbarisms of slavery. The infamous slave trade had some time since been abolished by the common consent of respectable nations, and civilization should no longer tolerate the holding of human beings as slaves. If the people of the south will not of their own accord abolish the evil, they must be compelled to do so. No right-minded man, possessed of the requisite power, will sit calmly by and see a gross wrong perpetrated upon his neighbor. The black man is our neighbor.

Liberty is God's best gift to man—liberty of thought, liberty of conscience, liberty of body, of physical action. It is a sacred trust, for the maintenance of which men fight and die, and for our use or abuse of which we are responsible to almighty God.

Thus he spoke, holding his audience spell-bound. Three thousand rough and hardy men, miners and others, had by this time gathered on the ground, and to many of them these words were strange. To many the idea had never before been presented that negro slaves were men of like feelings with themselves, and that human rights and human wrongs were just the same, whether incased in black or white. Some of them were from Oregon, where, not long since, after forbidding slavery, they had driven away even the free blacks. In social or political circles the color was unfashionable and the odor abominable.

Stanford, meanwhile, was watching with deep interest the sea of upturned faces before him, reading therein the responsive sentiments of their hearts. He saw that the spoken truth had fallen on good ground and would bring forth fruit. It was a noble work and nobly performed, thus to scatter afresh the seeds of liberty, filling with the fairest flowers of civilization the places made barren in a liberty-loving people by tyranny and savage tradition. All that evening he pondered on these things, and visions of his country's fortune were bright before him.

"Tracy," said he, as next morning at four o'clock they were crossing the creek by the path which led along the foothills, "are you aware that this very day this state is republican?"

"I should say not," Tracy replied, "I am sure our experience and information in this locality would hardly justify such a conclusion."

"Nevertheless it is true," Stanford returned. "While you were speaking last night I was studying the audience, and I saw that the truths you presented were acceptable. The people are republican, though they do not all of them know it. But they will find it out before many days, or I am greatly mistaken."

From that moment he never doubted what the ultimate result would be, though the period of full fruition was not yet.

There were at this time in the field three candidates for governor, Milton S. Latham, the regular democratic nominee, John Curry, Douglas or free-soil democrat, and Leland Stanford, republican. Latham was elected. The free-soilers owed their defeat to Stanford; but this he did not regret, as he felt they should have been with him. A lukewarm policy, or any half-way measures at this juncture were utterly unworthy of men pretending to have in any degree their country's interests at heart. Broderick devoted his best energies to the assistance of Curry, and crowds flocked to hear him speak. But Stanford said, "Do not deceive yourself with the thought that all who attend your meetings will vote your way."

This was in 1859. During the following winter the republicans met and appointed delegates to the national convention at Chicago. There were eight delegates, Stanford being delegate at large. The convention took the ground that they could not expect to have much influence at Washington, for the reason that they could not cast the electoral vote. Mr Stanford never had any special proclivity for speech-making; but he felt that he must say something on this occasion. He told his friends that he could not concur with them in their estimate of their position and power, that in his opinion they were going to cast the electoral vote at Chicago, and that they would poll 40,000 votes in the coming election—the democratic party would be divided and 40,000 votes would turn the election.

Every one of his predictions proved true. They were no mere idle surmises, but based on thoughtful observation. For all this time he had, as we have seen, been making a thorough analysis of the situation. He had come to regard the affairs of his party and the public weal as he regarded his business affairs; if worthy of his attention at all, they were worthy of his utmost consideration, of his best powers of mind and body. Were we all such citizens, legislative assemblies would be, indeed, congregations of the gods.

After the Chicago convention he met Mr Lincoln, his acquaintance ripening into a friendship warm and unbroken to the end. Mr Stanford was present at the inauguration, and remained in Washington for several weeks thereafter, at the special request of the president, whose shrewd judgment of men convinced him that here was a true representative of his party, and the advocate and exponent of the highest and purest principles. Nothing could illustrate more forcibly the estimation in which Mr Stanford was held by the foremost men of the nation, than, at this perilous crisis, to be regarded by such men as Lincoln and Seward as a most capable and conscientious adviser, and a most able and reliable friend of the government. He was consulted especially as to the surest methods for the preservation of peace and loyalty in California, and as to the federal appointments which would best carry out those measures.

Here again we find him at his post, guarding the interests of his state with a jealous eye. What man could do he did, first as missionary and reformer in the field, and then as guardian and protector at the national capital. It is almost unnecessary to say that such measures as were adopted, and such appointments as were made at his suggestion, proved in the highest degree beneficial, and were the means, to a great extent, of saving California to the union.

The republicans, now confident of their strength, were determined that the canvass of 1861 should be a vigorous one. While in Washington Mr Stanford wrote to his brother in California giving his views on the situation, and expressing the hope that the union wing of the democracy would unite with the union party, as the republicans were then called, and make common cause against the disunionists. Should his advice be followed he would not expect a nomination, as he had been very active in forming the republican party, and would scarcely be deemed available as a fusion candidate. He did not, however, desire office; he sought only the welfare of the state and of the nation.

But the fusion was never made, and the three parties took the field, Stanford as republican nominee for governor, Conness as Douglas democrat, and McConnell as administration democrat. From the time of his nomination Mr Stanford had no doubt as to his election. A large portion of the Douglas democrats were loyal and would sustain the republican party, while the Broderick branch of the democratic party was divided, and its members quarrelling among themselves. But had it been otherwise, he would nevertheless have deemed it his duty to throw himself into the contest with all his strength, and win proselytes to republican principles; merely to hold in his hands for a brief period the reins of office was to him a secondary affair.

Possessed of an iron constitution and perfect health, he could travel for days and nights with little rest or sleep. He visited all the more important places in the state, and was everywhere received with respect and enthusiasm. People saw in him a man possessed of high and pure principles, a man of superior mind and culture, and of great force of character. Thousands were brought to believe in him and in his cause. He was elected by a vote of 56,036, McConnell receiving 32,750, and Conness 30,944. It was at once a revolution and a triumph.

It was a critical period in both state and national affairs when, in January 1862, the governor was inaugurated at Sacramento, and assumed the duties of office. Civil war with all its horrors was fully begun; when and how it would end no one could predict. The previous election in California had been watched by both the contending parties with peculiar interest. The men of the south had been sanguine that the democracy could not be driven from the field which they had occupied so long, while the loyal men of the north, little understanding the metal of which the new party was made, held their breath in fearful expectation, realizing more and more the dire disasters which would attend the possession of California by the secessionists. Every day appeared more clearly the benefits resulting from the timely organization of the republican party in California, from the conversion of the state to anti-slavery and union sentiments, and from the diplomacy at Washington which kept the reins of government and military leadership in loyal hands. For this, to Leland Stanford more than to any other man, the nation's thanks are due.

And now, to supplement his good work, he takes his seat as chief executive of the state. In entering upon his important duties there are many points in his favor. First of all he has the entire confidence of the administration at Washington. Lincoln, Seward, and the rest who there amid this storm controlled the ship of state, knew him as a true man, a loyal citizen, and a competent ruler. He is one of them; California is one with the loyal north. Through the confidential relations with the president and his cabinet, established during his sojourn in Washington, he is now prepared to act in harmony with them. At the same time, knowing California, and having the confidence of Californians, he is able to exercise there the widest and most beneficent influence. The faith of the people in his latent power is a pillar of strength.

During the first year of his administration the friends of the south were everywhere active in their efforts to gain some advantage for their cause; but the watchfulness of the governor and the relieving of General A. S. Johnston, a rank secessionist, by General Sumner, a loyal unionist, in the command of this military department, did much to subvert their machinations. The restless spirits gradually gave up hope and began to move away. Many went south and were killed in the war; a few returned to California after the war was over. Fortunately there were some 50,000 stand of small arms at Benicia, a larger supply than in all the other loyal states in the union when the rebel guns first fired on Fort Sumter. The governor promptly set himself to work, organizing the militia throughout the state, which ere long numbered ten regiments of volunteers. The young men of California had come promptly forward in the service of their country in the hope of being sent to the front; but greatly to their disappointment it was decided that they were needed to protect our own shores; and indeed to them this section owes its security.

There was a secret service fund at the disposal of the governor, but the only use he ever made of it was to keep men stationed at various points to watch the course of events and report to him. Most of all, and with most beneficial results, the governor sought to foster a spirit of kindliness and forbearance among those who differed in opinion on the questions of the day. The men of the south were as a rule honest in their convictions; they fought for their altars and their firesides as well as the men of the north; both sides were following in good faith their teachings and traditions. The difference was that one side was in error. The ruler who could peacefully control these hot contending factions carried in his hands a mighty power, the power of kindness, of charity, the power by which nations are subdued more readily than by the sword. The result was that, during the latter part of Governor Stanford's administration, there were nearly as many democrats opposed to any disturbance as there were republicans. Politics were indeed rarely discussed in social circles. And all the time the governor possessed confidence in himself; he knew upon what he had to rely; he knew the people of California; he felt himself to be master of the situation; let the friends of the union at the east take care of themselves, and he would answer for this western seaboard.

To the many important measures of Governor Stanford's term I can but briefly allude. At the outset an untoward incident occurred; but little was made of it among so many matters of weightier import. During the winter of 1861–2 there were heavy falls of rain in the valleys and snow in the mountains. About mid-winter the snow in the mountains began to melt, the rains in the valleys continuing. The consequence was the overflow of rivers and the inundation of vast areas of lowlands. There was widespread consternation and ruin everywhere. Houses and bridges were carried away, farms destroyed, and many lives were lost. On the very day of the governor's inauguration the streets of the capital were several feet under water, so that his party was obliged to go and return from the statehouse in boats. Such was the condition to which the city was reduced that the legislature and state officials were obliged to remove temporarily to San Francisco.

His messages to the legislature and his state papers and correspondence with the national government display in the clearest light his broad information, his sound common-sense, and his comprehensive grasp of the situation. First of all he had made it his business to acquaint himself in the fullest degree with the condition, institutions, industries, and requirements of the state. He held pronounced ideas regarding finance and revenue, mines and agriculture, the geological survey and harbor defenses, the codification of the laws, the Chinese question, the common school system, forest and swamp lands, Indian and military affairs and public buildings; and upon these and scores of other topics coming within his jurisdiction his messages were masterpieces of political literature.

During the administration of Governor Stanford an end was put to squatterism. Prior to this time squatter sovereignty held sway in many localities and squatter riots were frequent. Persons without titles took possession of lands, which they occupied by force. They were sometimes ejected by officers of the law, but more often they seized and ejected the sheriff sent to arrest them, not infrequently resorting to manslaughter rather than yield. All this was now stopped by a firm exercise of the law.

In the midst of civil war and general reform the indebtedness of the state was reduced one-half. A state normal school was established, which has ever since exercised a most beneficial influence on the cause of education. Impecunious politicians and corrupt officials seemed agreed that this was no time for them to indulge in their usual traffic; and the consequence was peace, prosperity, and happiness to the people of the state at large. At the close of his term a concurrent resolution of the legislature returned him the thanks of the people for the able and upright manner in which he had discharged the duties of governor.

But all his achievements in commerce, in government and legislation sink into insignificance beside that grandest of enterprises, the building of the Central Pacific railroad. It was of all matters, next to the welfare of his country, the one that lay nearest to the heart of Leland Stanford; it was among the first topics discussed in the governor's inaugural address, in which it is called the great desideratum of California, of the world, and of the age. "No more," it says, "could the commercial world dispense with the use of this road, when once its relations have been regulated and accommodated to it, than could the west dispense with the great lakes and the Erie canal, or the southwest with the Mississippi river."

The story of the inception and construction of the first transcontinental line of railway must ever remain one of the most impressive themes of history—a theme, indeed, worthy of the new Arabian Nights. We have seen how, when thirteen years of age, Leland listened with rapt attention to the conversation on the subject between his father and Mr Whitney at Elm grove. The views expressed by these two experienced and practical men and their opinions as to the possibilities of the future were never forgotten by the thoughtful and intelligent youth. He pondered over the matter while at school; his mind often reverted to it after he had turned his steps westward—while he was in Wisconsin, and more particularly after reaching California. What to some appeared an impossibility, and to others something to be consummated, if at all, perhaps a century hence, seemed to him, though distant, yet fully conceived in the womb of time, and sure at the proper period to be brought forth. Hence we may say that all of his life he had thought of it and talked of it. During the voyage to California, one day when the sea was rough and Mrs Stanford was suffering somewhat in consequence, her husband said to her, "Never mind, a time will come when I will build a railroad for you to go home on."

Early in 1860 James Bailey, a jeweler of Sacramento, called on Mr Stanford with information concerning Theodore D. Judah, an engineer, whom he had met and talked with about his examination of the Sierra with a view to railway possibilities. Not long afterward the governor had a conversation with

C. P. Huntington, then a hardware merchant of Sacramento, on the subject of a railroad, on the resources of the local section of country through which it would run, and how far they would go toward sustaining it. The result was a meeting at the house of Mr Stanford that evening, where the subject was discussed until 11 o'clock. They then agreed to meet the next evening, when Mr Stanford asked Mark Hopkins to join them, and the three talked over the matter until midnight. They were now so far agreed as to desire the acquaintance of Judah, and requested Bailey to introduce him, which was done. Mr Judah was an engineer of no small ability; a man of originality and boldness of thought, of intrepidity and energy of action, and the light he threw upon the subject was of the first importance to his future associates. He had scaled the Sierra many times with the project of a railway in view, and he assured them that it was entirely feasible.

By reason of this information, added to what they gathered from others, it was concluded to make up a fund and send out Judah, with a staff of assistants, to make a peliminary survey. Thus was the great corporation informally organized, its promoters being Stanford, Huntington, Crocker, Hopkins, Bailey, and Judah. Leland Stanford was elected president, and C. P. Huntington vice-president. Bailey soon dropping out there were five, of whom but two, Stanford and Huntington, survive.

Mark Hopkins was in the grocery business with E. H. Miller, prior to 1856, when the partnership was dissolved and Hopkins became associated with Huntington in the hardware line. Hopkins was first elected secretary, holding the position for a month or two, and was succeeded by Bailey, until the latter sold his interest and dissolved connection with the company, when E. H. Miller, formerly the partner of Mr Hopkins in Sacramento, became secretary. William E. Brown, Stanford's private secretary when he was governor, afterward became secretary for the contract and finance committee, and later kept the book accounts for the four associates. C. K. Garrison and D. O. Mills were invited to join the association, but could not see in it a safe investment. Lloyd Tevis says it was the mistake of his life that he did not take a fifth interest for $100,000.

Probably there were never five associates who were at once so widely different in character, such able business men, and who worked so long in harmony upon so vast an undertaking as Stanford, Huntington, Hopkins, and the two Crockers. Each one played well his part; though not by any single member but by a combination of business talent, such as this western commonwealth has never witnessed, were the final results achieved.

The immense business growing out of building the railway was managed by means of various corporations, organized and controlled by the associates, the stock being almost entirely owned by them. Thus was formed the Contract and Finance company in 1867, which was succeeded by the Western Development company. The main office, at first at Sacramento, was finally removed to San Francisco, where the directors' meetings were held, the vice-president residing in New York.

True, men had thought of this spanning of the continent before; some few had even proposed to attempt it. But all the speculations which had preceded were now to give place to tangible realities. It was the crystallization of a century's ideas, the embodiment of phantasies conceived by weaker minds but now transformed into palpable results.

The spirit of enterprise was very strong in Mr Stanford, but yet stronger was the spirit of patriotism. In the accumulation of money *per se* he never took special pleasure, but to build a railroad, to plant an orchard or a vineyard which would be of value to coming generations, was to him a source of boundless satisfaction. Says one who knew him well: "This great work of his was not for personal enrichment and aggrandizement. I know that for years he would have willingly given up every point he had made, every share of stock he held, if he could have been assured that the men to whom he was willing to transfer his interests would make the road the grand success he had marked out for it. In other words his main idea was to benefit mankind and develop this great and magnificent country, so sparsely peopled, and yet containing such fabulous wealth in its undeveloped mines and virgin agricultural resources, awaiting only cheap and rapid transportation."

Few at that time considered the project feasible. Even the associates themselves did not know when or where their efforts would cease, though they hoped to continue eastward indefinitely. "We are going to try to build this road," Hopkins said, "though we may not succeed." But those who knew the men best had most confidence. As Mr Miller remarks, "It looked to a great many people as it did to me; but having become associated with them as I was, and knowing of their efforts, I believed that they would accomplish what they had taken in hand."

Governor Stanford is a man so organized that he could not accept a trust or fill an office in a merely mechanical way. When placed by circumstances in any responsible position the prominent idea with him was not, what personal profit can I derive from this office, but how can I best fulfil my duty, how can I best serve my country? Such were the sentiments which inspired him when first his mind began to dwell upon a trans-continental railway, and the possibility of its accomplishment. A bloody civil war was raging in the east, which the political powers of Europe, jealous of our prosperity and greatness, were only too ready to encourage. Our seaboard lay exposed to the attacks of our enemies. Without adequate means of defense, and cut off from our armies by a wide stretch of mountain and desert, we were at the mercy of our foes. It seemed to this man a national necessity that there should be established at once some better means of inter-communication between the eastern and western extremes of the republic. The very existence of the nation demanded it.

Likewise civilization and the prosperity of the people demanded it. And as his mind dwelt more and more upon this matter, and possibilities grew into probabilities, visions of the future arose therein which in the end proved the most brilliant certainties.

When offered the nomination for governor of California for a second term he said, "No; I would rather build the Central Pacific railroad than be president of the United States." At another time he remarked, "The thing will not be done until not only the Atlantic and Pacific, with all their varied interests and institutions, are united by iron bands, but there must be lines of transportation between all the chief cities and through all the principal valleys of this western coast; nor will I rest content until I can sit in my house in San Francisco and say, 'There comes a train from New York; another will be presently due from the Mexican gulf; and yet another will soon arrive from the city of Mexico.'"

The rugged, white-crested Sierra seemed, while frowning upon this project, to smile disdainfully at his efforts, the winter winds meanwhile whistling defiance among the loftier peaks, or threatening to forbid encroachments on their home amid the gorges. To scale the lowest pass required an elevation of 7,000 feet within a distance of eighty-three miles, and the idea that a locomotive, dragging after it heavy trains of cars, would climb ascents where pack-animals and wagons found difficulty in picking their way was deemed preposterous. Then, too, the summit attained, the descent on the eastern side was hardly less difficult.

Five preliminary surveys were made for a path across the Sierra, and finally what was then known as the Dutch flat, or Donner lake, route was chosen. Climbing to the summit, they looked out on the forbidding expanse, and then on Donner lake, 1,200 feet below. North of the lake descent was not practicable, while to the south, from the sheet of water arose walls of granite, clinging to whose sides the road must pass, if ever one should be built. Men said it was impossible; nevertheless it was done. The railroad men, when asked how they ever dared to undertake it, answered, "Because we were not railroad men."

In 1861, under a general law of the state of California, they organized the Central Pacific Railroad company of California, with a nominal capital of $8,000,000, to construct a railway from Sacramento to the eastern boundary line of California, after which they laid their project before the legislative assembly of Nevada and received its consent to carry the road through that territory. It was during the autumn of this year that Mr Stanford was elected governor. On ascertaining that a practicable route existed over the mountains, it was determined to make immediate representations to the federal government and see what could be done. A bill was therefore framed in Sacramento, which was the foundation of the one actually passed, and that winter Judah and Bailey were sent to Washington. Judah at once took hold of the matter and was appointed clerk of the committee on railroads. This gave him an opportunity to pour forth with great enthusiasm all his knowledge of the route and details, and explain them fully to the members. The result was that on the 1st of July 1862 the Pacific railroad act was passed, chartering the Union Pacific and giving to this company and to the Central Pacific five alternate sections per mile on each side of their road, except mineral lands.

The government further agreed that as soon as the lines of the roads were determined it would survey the lands. It authorized the Union Pacific company to build westward from the Missouri river to the eastern line of California, and conferred on the Central Pacific the privilege of constructing the road "from the Pacific coast at or near San Francisco or the navigable waters of the Sacramento river" eastward till it should meet the Union Pacific. For 150 miles in the most difficult portion of the Sierra Nevada, and an equal distance in the Rocky mountains, the bond loan was to be $48,000 a mile; for the distance between the great mountain chains it was to be $32,000; and for the remainder $16,000. Of these bonds, however, one-seventh or more were to be retained until the roads should be completed; and the remainder were to be delivered to the companies in amounts when earned after each section of forty miles had been finished. The companies might give a second mortgage on their roads to private capitalists for an amount equal to the first mortgage held by the government. Five per cent of the net earnings of the road after completion must be applied annually toward the payment of the principal and interest of the government bond loan. It was provided that if these roads should not be completed on July 1, 1876, so as to form a continuous iron track from the Missouri to the Sacramento river, then they should become the property of the United States, with all their rolling stock and buildings.

The chief causes which led the government to aid in the construction of an overland railway were, that it was a political necessity and would prevent the loss to the union of the Pacific states; that it was a military necessity and would enable the government by rapid movement of troops to resist the invasion of a foreign enemy; that it would end the Indian wars; that it would furnish cheaper and more rapid means of transportation for mails, troops, and army supplies; and that it would lead to the peopling and development of a vast uninhabited region.

The actual work of construction was begun on the 8th of January 1863, when the first shovelful of earth was turned by the president of the company at Sacramento. Did those present realize the full significance of that act? Few of them, indeed. Said Charles Carroll, of Carrollton, on breaking ground for the first railroad constructed in the United States, on the 4th of July 1828: "I consider this among the most important acts of my life, second only to that of signing the declaration of independence, even if second to that."

An amendatory act was passed by congress July 2, 1864, increasing the land subsidy to ten sections, and authorizing each company to draw its bonds on the completion of each twenty-mile section. In 1866 the Central Pacific was only eighty miles east of Sacramento, though 6,000 feet above the level of the sea, while the Union Pacific, which did not begin work until after 1865, was in the Platte valley, and had completed at the end of the year 260 miles of road. There were many dark days after the Central Pacific had begun its work, and before the Union Pacific had been able to accomplish anything. In the midst of the discussion and passage of the act of 1864, Johnston's army confronted Sherman, Lee held Grant in check, and Early was advancing on the national capital. In Mexico Maximilian sat upon the throne, while Bazaine with French troops waited until Napoleon III might form an alliance with England to recognize the confederacy.

Under the provisions of the original act the railroad could never have been constructed with the means then at the command of the directors. The main difficulty was the clause whereby the government subsidy was made a first lien on the road and its equipments, thus preventing the corporation from raising on their property such additional means as would be needed. Hence it was not until after the passage of the amendatory act that Mr Stanford and his colleagues threw themselves heart and soul into the work, with a confidence and zeal that finally overcame all obstacles. It was in truth a struggle of giants, and during the earlier portion of this struggle, when the clouds hung darkest over the Sierra, and success appeared most doubtful, a heavy portion of the burden fell to the lot of the governor. While Huntington was in New York, purchasing and forwarding supplies, while Crocker was at the front, urging forward his army of workmen, on Mr Stanford devolved the task of furnishing, as best he could, the necessary funds; and in doing so the obstacles to be overcome were even more formidable than the gorges and cañons, the rock-ribbed fastnesses of the mountains themselves. Here was displayed the force of character of which he is so largely possessed, and which now served him well in his struggle with the moneyed kings.

Says one of his admirers: "Governor Stanford carries with him that something, call it what you may, that impresses all with whom he comes in contact with confidence in him as a man, confidence in him as a man who will succeed, a something worth more than endorsements and collaterals, for his very presence is of itself an endorsement. This was exemplified in the early days of the railroad building. When the Central Pacific, as a corporation, could not raise a single dollar, Governor Stanford had an overdraft of $2,500,000, and all the bank held was the individual paper of these four railroad builders. It certainly showed men's confidence in the creative genius of this man who was here controlling the finances at this end of the line. Had the governor stopped one instant and looked back, and contemplated things as they actually existed, the road would never have been built."

No one knew better than Mr Stanford the engineering difficulties to be overcome, difficulties pronounced by many scientific men as insurmountable; so that one engineer of standing and repute declared that the road could not be built within fifty years, though the directors had at their command all the millions in the bank of England. Even the stout heart of the governor sank within him for a moment, as, from a peak to which he had climbed, he gazed upon the endless array of mountain-tops. "Is it possible," he exclaimed, "that a railroad can be built through such a country?" But his was indeed the faith that removes mountains.

As to the particulars of this great engineering feat, the greatest in the history of the present age, and perhaps in the history of mankind, it is unnecessary here to give any detailed description, and the more so as it has been a hundred times described. Suffice it to say that construction was pushed with marvellous rapidity, and the road completed seven years before the specified time. "It cannot be possible," said another well-known engineer, "for you to finish the road in ten years. Why, if you laid half a mile of track a day you could not do it." And at that date half a mile a day was considered a somewhat extraordinary performance. But with the Central Pacific from two to three miles was the usual distance on the plains, and on one occasion ten and a quarter miles were laid between dawn and dark.

But great as were the physical dificulties to be overcome in crossing the steep Sierra, the financial and political impediments were, as I have said, still greater, and but for the diplomatic and administrative ability brought to bear on the work, it would never have been completed by private individuals, and many years would have elapsed before it would have been completed at all. No aid could be obtained from congress until forty miles of railway and telegraph were finished and in good working order, and when the bonds were finally delivered they were selling at an enormous discount. To grade these forty miles, bridge the American river, purchase and forward iron for the road was no small feat for these Sacramento merchants. Then, too, in the face of a constantly depreciating currency, prices of material were constantly advancing. A large portion of their payments must be in gold; a large portion of their receipts were in currency. National finances, furthermore, were at a low ebb, and private capital was timid. Moneyed men everywhere preferred awaiting the outcome of the great civil strife before parting with their funds. Owners of toll-roads over the Sierra who derived large profits from the Washoe traffic, together with some of the most powerful corporations in the state, used every means in their power to defeat the railroad enterprise. For every dollar that was subscribed for it hundreds were contributed for its defeat, and for this purpose no stone was left unturned, no means, however unscrupulous, were disregarded.

Nevertheless, with a survey made, and a practical route laid out, even after the passage of the first railroad act by congress, the associates for the moment became quite hopeful. They entertained no doubt that Californians, particularly the people of San Francisco, would come promptly to their aid. Indeed, as a precautionary measure, lest the moneyed men at the bay should get more than their share, they first opened their books for subscriptions of stock at Sacramento, where much enthusiasm prevailed, and for a time people subscribed freely.

They then carried their subscription books to the bay and opened their doors to the people of San Francisco. The first day they failed to come; the second day none made their appearance; the third day the office was not troubled with visitors. They thought there must be some mistake about it—that the people of San Francisco did not know the books were really open in their midst for subscriptions to stock for the construction of an overland railway, under act of congress, all in proper form; they could not be aware that the blessing they had so long labored and prayed for was now at their doors, and that they had only to stretch out their hand and receive it.

So the associates concluded to call on them personally and explain matters. They did not pretend, for at the time they did not believe, that they would complete the road in less then ten years, and as there would be no dividends until it was finished, and money was then worth two or three per cent a month, the capitalists of San Francisco could see no advantage in putting money into anything that gave promise of no return for so long a period, and then, probably, less than they were getting from present investments. Under the circumstances each man was willing that every other man should build an overland railway; it was a consummation devoutly to be wished for, and it was to be hoped that someone would do it. And all San Francisco would do was to subscribe for ten shares, and that at the hands of a Frenchman who never paid but one instalment on his stock; all that San Francisco ever did was to take $600,000 worth of stock, afterward compromising by paying $400,000 in cash and taking no stock.

What was to be done? How construct the first forty miles which should entitle them to such aid from government as would enable them to build the next forty miles? After trying several projects they at length induced the legislature of California to authorize the people of Placer, Sacramento, and San Francisco counties to subscribe to a certain portion of the stock, which was done. But other nests of hornets, one after another, were stirred up by this railroad act, which required them to build a telegraph; so that besides Wells, Fargo and company, with their overland stage line, and the Steam Navigation company, who wanted to see no railroad between Sacramento and San Francisco, and the Pacific Mail Steamship company who would have their traffic between New York and San Francisco interfered with, they had now the Western Union Telegraph company against them.

As those at the head of these corporations were among the principal moneyed men of San Francisco, the consequence was that the opposition became very powerful. They caused printed matter to be sent out representing the railroad company as a swindle, and maintaining that it was impossible to build a road over the mountains. The newspapers contained ridiculous statements, with their usual disregard for truth and the interests of the commonwealth where their popularity is concerned. These calumnies, translated into French and German, and circulated everywhere, made much more difficult their task; but the dog-in-the-manger policy of these men, who would neither build the road themselves nor permit others to build it, was not destined in the end to prevail.

These were indeed days of trial; of great care and anxiety, and of severe labor. Governor Stanford took upon himself the onerous duties of obtaining the passage of necessary bills, and preventing hostile legislation, besides conducting those financial negotiations which were of vital consequence to the construction of the road during the incipient stages. The company's credit was then not good in San Francisco, those having hostile interests doing all in their power to discourage capitalists from advancing their funds. Often the governor, in negotiating for money, was compelled to completed his arrangements privately, before the enemies of the road became aware that he required it. Thus for four years they wrestled with their difficulties, until they had bound the Sierra in bands of iron.

The Sacramento valley road was especially hostile. It was owned largely by Louis McLane, and the Central Pacific was in direct opposition to it. The associates acquired about that time a road running from Placer county out toward Lincoln, thus giving them a line from Sacramento into Placer county, so that they could compete with the Sacramento valley road. A large owner in the latter, seeing the impending danger, purchased, on Governor Stanford's authorization, enough additional stock to give him the control, and the first thing McLane, knew Stanford was president of his company.

J. Mora Moss, president of the Alaska Ice company, was an influential factor in the Sacramento Valley railroad, and threw his whole strength against the Central Pacific. And well he might. For when the line reached the mountains, the price was so reduced that San Francisco alone saved half a million a year on her ice bills.

The Sacramento papers were at first all for the associates and for the road; until, after keeping quiet for a month, the *Union*, the most powerful journal in the state, came out against them; why, they never exactly knew, unless it was for some personal pique or for the giving of their printing to a rival office.

On account of the calumnies circulated against them, the credit of the company, both in America and Europe, was at first so impaired that not only did they have to pay more for material, but the work was retarded, as we have seen. Only by using their own means and their credit at the east were they enabled to build thirty-one miles of road, and have enough iron on hand to complete fifty miles. And the most difficult task had to be encountered in the infancy of their undertaking. They could more easily have laid a track from Truckee to Chicago than from Sacramento to Truckee.

But increasing embarrassments seemed only to increase the energy and determination of the railroad builders. Mr. Huntington stationed himself in New York as the financial and purchasing agent of the company, and was now recognized as one of the ablest and most successful of financiers. It required the closest calculation to have constantly arriving, as it was required, the immense amount of material and rolling stock necessary for the building and equipment of the road, some of it having to cross the Isthmus and some to be shipped round Cape Horn.

One drawback was the absence of these very means of communication which the associates were endeavoring to establish. Speaking to men in the east about investing in California, or in an overland railroad, was like asking them to sink their money in Australia or Siberia. It was 1,800 miles across the country from the Missouri, with few white inhabitants, except the Mormons at Salt Lake, and even intelligent people knew nothing about it other than that it was a vast, unpeopled wilderness.

Nevertheless, many of those who are now among the most prominent citizens of the day were always fast friends of the road. The associates had often a majority in the legislature in active sympathy with them, and the great mass of the people all over the state were likewise on their side. Perhaps their treatment in the Goat Island question was their most serious setback. They regarded that point as the natural terminus of the Central Pacific railroad system; but half a dozen capitalists interested themselves to prevent it. Then the *Alta* came out with a strong article condemning the measure, picturing Goat Island as a great city, with San Francisco as an adjacent village. Other journals followed in the same strain, and thus a great excitement arose.

One year the legislature was selected especially for the purpose of opposing the railroad, and it became a serious question with the associates what course they should pursue. At this juncture Governor Stanford remarked: "There are forty men in the senate, and of a class that I cannot believe desire to injure us, if they can be made to understand what they are doing." So he took it upon himself to secure a majority in this body and defeat hostile legislation. He went to them and explained matters. One senator was brought to his house by a friend, who desired Governor Stanford to reason with him, which he did. "All that you say is very true," replied the lawmaker, "but I have taken a different position in my speeches before the people." "Very well," rejoined Stanford, "after hearing what I have said, if you are convinced of the truth of it, your judgment and your oath being on one side and your declarations before the people on the other, which should predominate? Will you allow your declarations to stand against your duty and your judgment?" The result was the entire conversion of this man, who was ever afterward the firm friend of the railroad.

During those days of severest struggle, with no one to offer aid or sympathy, the directors never lost confidence in themselves. Perhaps this was the secret of their success. On meeting an obstacle the question was not, "Can it be overcome?" but "How best can we overcome it?" The dominant idea in San Francisco was that a road could not be built over the mountains; and when the last spike was driven, the last blow struck, firing the cannon at Fort Point, there were many who exclaimed, "Well, I never believed it could be done!"

Not the least among the engineering difficulties were the heavy snows which barred their progress in winter. On one occasion when the governor was with Mr Crocker in the mountains, they stood for days on the snowplow, trying to make their way through the drifts. They ran the engines back for a mile or more, and then came down on the snowbank with all their force, five engines in the charge. But the only result was to push the first engine into the drift; then came the work of drawing it out; the snow got into the furnace and put out the fire; the engine was disabled, and the men were compelled to dig it out. This system was tried until it became apparent that the snowplow could not be driven through; nor could the road be operated in any such manner. This was before the days of improved snowplows.

What was to be done? Must the road remain idle for a portion of every year? One day, as the two associates were discussing the matter, while lunching on some boiled beef and bread obtained from a miner's cabin near by, Mr Stanford took out his pencil and began figuring on the probable cost of covering the track with snowsheds. Before the conference ended it was agreed that by another winter they would have snowsheds. Sometimes the snowfall in the mountains is forty feet, packing down to fifteen feet, and it has been known to be sixty-five feet in depth; nevertheless, after the snowsheds were erected they were less troubled by snow blockades in the high Sierra than on the New York Central. So powerful is man in his conquest over nature.

Some interesting experiences were encountered in Nevada in the autumn of 1861. The railroad builders found the state line well up in the Sierra, on the Truckee river. So on reaching that point it became necessary to obtain from the legislature of Nevada the privilege of building a railroad through their state.

Starting out from Sacramento, Stanford, Huntington and Crocker proceeded on horseback over the Dutch Flat road to the summit, and thence were guided by marked trees to Donner lake, where they encamped. From this point they continued their journey by truck-wagon. Presently they came to a place where a man was cutting hay. The weather was cloudy and Mr Stanford asked him if he thought it would rain. "Sir," replied he, "I have been here for ten months and not a drop of rain has fallen, and I hardly think it will begin now just because you have come." Probably the farmer had taken lessons from Mark Twain, who was early in Nevada; at all events the railroad builders found here a foretaste of the quality of wit they might expect to find in this section.

Sleeping that night under the hay, the next morning bright and early they started off, Crocker driving. They came to Truckee cañon, and as they were passing through the roughest part, Crocker cracked his whip. The horses made a plunge; the wheel struck a stone; and the next moment they were hurled out of the truck, the axle having broken in the middle. Picking themselves up, they took in the situation. There was a wooden lever which they had been using for a brake, and this they bound with halter straps to the axle, which they brought together, twisting the straps into a knot to tighten them. Stanford then took the reins, while Huntington and Crocker walked. There was a blacksmith's shop farther down the mountain, but on reaching the place it was found deserted. At some distance yet farther on Mr Stanford found a wagon and team, which he sent back for his associates; and Mr Crocker often said he would never forget him for sending this relief, as they could not have held out much longer. The same truck they used in Nevada for ten days, and with it recrossed the mountains to Sacramento without having to repair it further. They accomplished their purpose, and secured the passage of the law desired. Such was one of the many adventures encountered by the railroad builders.

The Central Pacific had been at work two years before a shovelful of earth was turned by the Union Pacific, which made no move under the first act of congress. When the amendatory act was passed, whereby bonds might be issued for every twenty miles constructed, and when the state of California had agreed to pay the interest on a million and a half of Central Pacific bonds, the company to pay the principal; with these resources at command they were enabled to cross the Sierra. After they had passed the mountains they laid 500 miles of track in less than ten months, working a much smaller force than had been employed for three years on the Sierra, which rate of speed would have carried them to the Missouri river in two years, and to Chicago in less time than it took to cross the mountains. The work in the Sierra was enormous; the daily use of powder alone often reaching 500 kegs, at $10 to $12 a keg, while the working force amounted to from 10,000 to 15,000 men, absorbing, indeed, the entire available supply.

But for the delay at Newcastle, owing to the lack of government aid, and but for the opposition of San Francisco and the difficulties encountered in the mountains, the Central Pacific would have reached Cheyenne, which would have given to San Francisco the entire trade west of the Rocky mountains. The work was begun by small contractors, but this proving unsatisfactory, a contract was let to Mr Crocker, after which the Contract and Finance company was organized to continue the work. Twenty millions were spent in reaching the summit, which was three times the government snbsidy for a hundred miles.

The early struggles of the builders can never be fully told. Mr Stanford made five trips from San Francisco to Salt Lake City, camping out summer and winter. Twenty-seven winter nights he spent in the open air at Promontory at one time. Often they had to clear away the snow to make place for their blankets. Early and late they toiled, and there was nothing left undone which man could do. The greatest economy was in every way practised, and every effort put forth to insure the utmost speed.

When the Union Pacific directors saw what the Central Pacific had to encounter in the Sierras, the obstacles and delays, they sent thither their engineers to spy out the situation. After due examination they reported that they could get to the Sierra Nevada before the Central Pacific could cross the range, and made their arrangements accordingly. Had they succeeded in doing so, the Central would have had only this short piece of difficult road and would have been forever at the mercy of the Union Pacific. Their work would have been lost, so far as any special advantage to the coast was concerned, and a body of men not in sympathy with the coast would have controlled the carrying trade.

In May 1869, as all the world knows, the two companies joined hands at Promontory, where the last tie was laid more than seven years before the date specified in the act. "The loss sustained by the Central Pacific," said Mr Stanford in his testimony before the Pacific Railway commission, in 1887, "in thus complying with the manifest design of congress for the speedy completion of the road was very great. The company did not wait for a completion of a continuous line to convey materials and supplies for the construction of the road; on the contrary, by means of teams and pack mules transported supplies for hundreds of miles in advance of completed construction. It even conveyed railroad iron, locomotives, and other materials by teams in winter over the deep snow of the Sierra Nevada mountains, where little but tunnel work could be done in that season of the year, for the construction of the road beyond, and built many miles of road before a connection was made therewith.

"I desire to call the attention of the commission to some of the sacrifices made by the company in hurrying the work to its early completion. The bonds issued by the United States to the company were, on account of the war, disposed of at a discount of over $7,000,000. This discount, with the interest on the same until the maturity of the bonds, will amount in round numbers to $20,000,000. There was also a like discount suffered on the first mortgage bonds issued by the company, whereas, if the full time allowed by congress had been occupied in the construction of the road, these bonds could have been sold at par. At the time the road was constructed the prices of materials and labor in California, Nevada and Utah were enormously inflated, not only on account of the war prices which then prevailed, and the war risks which were incurred in transporting material from the east by sea, but also by reason of the great mining excitement which prevailed in Nevada and California, and absorbed nearly all the available white labor. It will be shown by the testimony of engineers who had charge of the construction of the road, and other competent witnesses, that the cost of construction exceeded fifty per cent more than it would have been if the company had delayed its final completion until July 1876."

After the completion of their road the Central Pacific began to purchase and build branch lines, or feeders. The Western Pacific, running from Sacramento to San José, partially completed, they purchased and finished; also the line from San José to San Francisco, and many others. Rich mines were developed along the trunk line, which gave them profitable traffic. They secured the ferry transit of the bay, with valuable grants of San Francisco water front.

Then they built the Southern Pacific to protect the interests of the Central, and lest the Southern overland line should fall into hostile hands. They also purchased the narrow-gauge running from San Francisco to Santa Cruz, worth seven or eight millions. The Central Pacific was leased to and consolidated with the Southern Pacific, and the whole called the Southern Pacific system. The California and Oregon, running from San Francisco to Portland, was consolidated with the Central Pacific, the Pacific

Improvement company building in California. Thus the wildest dreams of the originators of the Pacific coast system of railways could never have approached the reality. Since the junction of the Central with the Union Pacific, which of itself was the consummation of a feat unparalleled in the construction of railroads, another trans-continental line, as we have seen, has been built, with tributary and collateral lines extending through the fertile valleys and most productive districts of the state.

A glance at the lines consolidated and managed under the organization of the Southern Pacific company gives but a faint idea of the stupendous labor accomplished; Central Pacific; San Francisco and Oakland; Yuba; Western Pacific; San Francisco and Alameda; Stockton; California and Oregon; San Francisco Bay railroad; San Joaquin Valley railroad; Marysville railroad; Sacramento Valley railroad; Folsom and Placerville; Southern Pacific of California; San Francisco and San José; Santa Clara and Pajaro Valley; California Southern; Southern Pacific branch; Los Angeles and San Pedro; Monterey railroad; Pajaro and Santa Cruz; Loma Prieta railroad; Los Angeles and San Diego; Los Angeles and Independence; San José and Almaden; Berkeley branch; Northern railway; San Pablo and Tulare; Amador branch; Vaca Valley and Clear Lake; San Joaquin and Yosemite; Stockton and Visalia; Stockton and Copperopolis; West Side and Mendocino; Modesto, Tuolumne, and Mono; California Pacific; Napa Valley; California Steam Navigation company; the Oriental and Occidental Steamship company, etc., etc.

Since the last spike was driven in 1869 there has seldom been a moment when cars were not running, sometimes fifty trains at the same time, and yet it is said that not a single life has been lost through neglect or from faulty construction.

It is unnecessary at this day to speak of the advantages to a country and community of railroads. As to the special benefits conferred by the Pacific railways I may, however, call attention to the $140,000,000 distributed in construction; the $330,000 per annum taxes; disbursement monthly of $320,000 to 10,000 employés, which supports at least 40,000 persons; reduction of freights and influx of population; increase of 8,000 farms in 800 miles; advance in large tracts of land of from $2.50 to $500 an acre; hundreds of new towns, and millions of travelers. In eight of the counties of southern California the value of taxable property increased from $31,277,891, in 1870, to $114,606,905 in 1883.

In carrying the mails also and in the transportation of troops and supplies, ten times the facilities are afforded the government at one-fifth the former cost and less than one-fifth of the time, the saving in the mail service alone amounting from July 1, 1869, to December 31, 1885, to nearly $40,000,000.

The primary idea of Governor Stanford in regard to the benefit of the railroad is that it is a great civilizer. It brings the whole country into communication, one part with another, thus engendering those new ideas upon which human advancement depends. Aided by the printing-press ideas are interchanged, so that the discoveries or inventions of one person becomes the property of all. But newspapers can find their way only where transportation affords facilities.

The advancement of the whole human race springs from the advancment of individuals. From the dream of a boy while observing the throbbing lids of a teakettle came the application of the power of steam; and it would be a wonderfully interesting feature if our census statistics would show the power of the steam-engine as now employed, when compared with the physical force exercised by man. We say of an engine it is of so many horse-power; if it could be estimated as well as of so many man-power it would prove most profitable food for contemplation.

What this one man's genius has discovered it is for the people to use. But to a savage roaming the wilderness the knowledge of steam would prove of little value. There must have been some degree of progression as well as of intelligence for the people to profit by the fruits of genius. Much intricate machinery has been invented during the present century. The agricultural implements of the year 1800 were not very greatly in advance of those of the year 800; not so far in advance of the year 800 as the implements of 1880 are in advance of those of 1800. The McCormick reaper has enabled California to raise wheat enough to feed ten millions of people besides her own, one million tons being raised for export by about 20,000 laborers.

In educating the people up to a proper appreciation of labor the railroad both leads and follows. It spreads the idea of one for the use of many. In ages back, if a discovery was made it often remained a secret with the discoverer, there being few means for communicating it. Wealth is of no value except in its use. It might otherwise as well lie covered up in the mountains, but when employed it benefits every one who uses it. Build a railroad, and its value is in proportion to its use, to the extent it facilitates the movements of individuals and of merchandise; it is therefore the wealth of the people, the shareholders being but the nominal owners. The Pacific system of railways subordinated to the uses of civilization a wilderness of greater extent than the combined conquests of Alexander and Cæsar; and if the builders acquired great wealth for themselves, they created great wealth for others.

By Mr Stanford himself its benefits were thus summarized in his remarks before the commission above referred to. "The Pacific railroad has accomplished all the good, both local and national, that was predicted by its most enthusiastic supporters. It has demonstrated the possibility of the construction of a transcontinental road; it has proved to the financial world that the great interior abounds in resources; it has made possible the construction of other transcontinental roads, with numerous branches and feeders; it has shown how the national domain can be utilized; it has encouraged the development of the natural resources of California, and shown that its products of fruit and wines can be transported to the Atlantic states by rail. It was the first enterprise anywhere in the world which made possible the habitation of reigons of a country far remote from navigable waters and has added untold millions of wealth to the nation. It has performed the public service so faithfully and expeditiously as almost to annihilate the distance between the Pacific and the Atlantic, and bring the whole country into close and intimate political, social, and commercial relations. It has performed the government service in transportation of mails, materials and supplies to the complete satisfaction of all government officers having charge of such business."

"From the day the railroad was opened for travel," says Henry T. Blake in his pamphlet entitled *The Pacific Railroads and the Government*, "it has fully justified the report of Mr Wade's committee that it was built and equipped in all respects as a first-class road. Its operation, notwithstanding the special difficulties arising from snow, both on the mountains and on the plains, has been regular and almost uninterrupted. There has been a remarkable freedom from accidents of every kind, and especially such as result from careless or fraudulent construction. The benefits which they have conferred upon commerce, industry, and the traveling public, have been of course almost unparalleled in the history of public works, but scarcely greater than the immense and immediate advantages, political and pecuniary, which have been derived from them by the government.

"The whole Pacific slope, a vast and almost independent empire, was at once thoroughly absorbed into our federal system, and the commerce and control of the Pacific ocean was made secure. A great tide of immigration to the territories along its line brought the government lands at once into market. Mining towns, counties and states sprang into existence among the mountains, which, when the road was chartered, were an unexplored region of mystery, and began, like so many inexhaustible fountains, to pour forth those streams of wealth which have since revolutionized values. Indian wars, before so troublesome and expensive, were ended in that portion of our territory forever. The Mormon problem was solved and all further political danger from that source averted. In fact, it is impossible even to enumerate the beneficent results to our political system which have ensued from the completion of the road. There is no sane man who would for an instant consider that two hundred or five hundred millions of dollars would compensate the government for the loss of the Pacific railroads. Not one who would not heartily endorse as wise and sound the words of Henry Wilson in 1862: "If I could get the road by voting fifty millions or one hundred millions to it as a gift, I would do it most cheerfully, and consider that I was doing a great thing for my country."

In regard to the rights of railroads and owners of railroad property, Governor Stanford takes strong grounds. Railroad companies, he says, are organized under general laws, and have no exclusive privileges. Any citizen, or association of citizens, may avail themselves of these laws and build railroads, if they choose. Any contributions or aid from individuals, states, or government, are of a private nature, and lay no obligation upon the corporation, which is a creature of the law. It is private labor and private capital alone that build and operate a road. The exercise of eminent domain in right of way should not be regarded as a gift to the stockholders, but the permission to pass through the country a public benefit. Topography and competition may make discrimination necessary and fair; it may be better to carry the longer distances for less than the shorter than not to carry at all. Traffic which cannot afford to pay regular rates may perhaps be profitably executed at rates below the average of fixed expenses. Why then should the company be debarred from doing this work, beneficial to itself and to the shipper, and which cannot be done on any other terms? The shorter distance is not charged any more because of the less rate for the longer distance. Maximum rates determine the possibilities of minimum rates; and it is the maximum rates which have enabled railroads to develop to the extent that they have the vast resources of the country. The railroads, in opening up new countries, adding new industries, conferring additional facilities for the interchange of commodities, bringing the buyer and seller nearer together, promote the general weal beyond all other agencies.

"Legal maximum rates," it has been well observed, "afford little real protection to the public, since they are always fixed so high that it is, or becomes sooner or later, the interest of the companies to carry at lower rates. The same thing is true of terminal charges. The circumstances are so various and so constantly changing, that any legal maximum which might now be fixed would probably be above the charges now actually made, certainly far above those which will hereafter be made.

"The attempt to limit rates and fares by the principle of fixing a maximum has always failed in practice, and is always likely to fail, for the simple reason that the authorities by whom such limits are decided cannot do otherwise than allow some margin between the actual probable rate, as far as they can forecast it, and the maximum rate; and because they cannot foresee the contingencies of competition, of increase in quantities, of facilities or economy in working, or of alterations of commercial conditions, which may occur in the course of years after such limits have been arranged.

"The result of thirty years of successive and wholly abortive effort in this direction in England has been that parliament has at last settled down to the conviction that the development and necessities of trade in practise have always nullified, and inevitably must nullify, the provisions of special acts, no matter how carefully and skilfully they may be prepared."

As to politics and the railroad, Mr Stanford and his colleagues never desired to participate therein, except to gain some necessary result. It should, however, be stated that, when the new constitution was framed, it singled out the Central Pacific, and may as well have named it specifically, in the clause which provides that "all railroads operating in more than one county should be assessed by a different tribunal and on a different principle from the assessments of other people's property." Thus the company was compelled to fight or submit to what would virtually amount to a confiscation of its property. The directors appealed to the courts, and though the highest tribunal in the land decided that they had been illegally assessed and did not owe a dollar, they have since paid millions into the state and county treasury. According to the census of 1880, the average tax on the railroads in fifteen of the United States was $151 per mile. Up to the year 1888 the Central Pacific paid $250 per mile, or nearly $100 in excess of the other companies, though under no legal obligation to pay a single cent. Such action is probably without a parallel in the history of corporations.

A meeting of 2,000 workmen in the Central Pacific railroad shops at Sacramento, gathered on the 10th of March 1873, was addressed by Mr Stanford as follows:

"Friends: I use that word not formally, but as addressed to people who are engaged in a common enterprise with myself—men who are and have been engaged in constructing railroads, and in operating them. To-day, by your labor, mine added, we are developing the resources of a great state. By this coöperation of labor and effort—by this community of industry and interest, we are filling this land with plenty, and building for ourselves and for those who come after us a land of free and happy homes. Around this work clusters all the good which humanity knows. The spread of intelligence, the advancement of civilization, the onward march of progress; these are being brought out by those who, like us, labor side by side in all the practical undertakings of life. Such is the work, my friends, in which we are engaged—in which every man connected with the railroad is engaged. We ought to be bound together by common sympathy as we are bound by a common interest, and therefore I feel to have a right to address you as my friends. I can say truly of every man, no matter how humble the station filled by him in this work, that I feel an interest in him, an interest in his welfare. Here in this city, we as citizens are approaching an important municipal election. It has been made the occasion of vituperative abuse and libel against the railroad company. It has attracted your attention of course, for in common with other citizens you have an interest in the municipal affairs of your city. It is because you have this interest that you have called upon the directors of the company to explain to you concerning the charges which have been so liberally and maliciously dealt out against us, that you may understand the position of the company and its interests, and the relation of those interests to the common interest of the community. Directly then, as to the questions involved, let me say I cannot call to mind anything that the railroad company has ever proposed, or that it has ever done, that has injured this city in the least. And I can say for myself and for my associate directors who are citizens of this city, that there is not one of them who, under any conceivable circumstances, could be induced to inflict an injury upon the city of Sacramento. We have lived here too long, we have been too long identified with her struggles and sufferings; we have been sharers in her prosperity and her triumphs, and will not in the future, as we have not in the past, seek to do her injury, detract from her reputation, or hinder her progress.

"Fellow-citizens, the specific question at issue in this election is said to relate to the city water front. Let me say to you now, that, so far as this question concerns us, we want nothing that we have not already. We have abundance of room there already to accommodate our business, and that is all we want; for every vessel that comes to the wharves we have built wharves that cost the city nothing, and which could not have been built except for the use of some one like us engaged in a general commerce, which have increased the facilities for business of the whole city, we pay to the city government just the same tolls as if we had discharged at wharves constructed at the expense of the city. We have nothing to ask in this coming election more than you as citizens, or we as citizens, interested in the welfare of the city, may not ask in every election which occurs, wherein we are called upon to exercise the rights of citizenship. I mean that common interest and right which every citizen feels and has in the public affairs. It is a right every man has to be a candidate for office, and I do not believe, fellow-citizens, that because you work on the railroad, or because I help you to work, that you or I are thereby disfranchised, or placed under disability to exercise the common rights of citizenship. We are entitled to all the rights as when we were engaged in other pursuits. I do not know where the law is found that denies to any man the right to be a candidate for office, or to have the preference of friends for office, because he is connected with the railroad, or to regard the interests of his friends, his town, his state, or his country. I do not know of any such law, although I constantly hear it reiterated, over and over again, that, if a man wishes to be a candidate for office, and shall declare himself the friend of any man connected with the railroad, that man shall be tabooed and politically ostracised.

"So much for our local matters. I do not stand here as the particular advocate of any man. So far as Mr Adams is concerned, I have every confidence in his capacity for the duties of the office to which he aspires, and every confidence in his integrity as a citizen. I have nothing special to ask of him. I have not conferred with him. I can say here and now that I have never made terms in my life with a man as to what he should do after he got into office. And if I cannot trust a man without pledges to do right, I cannot trust him under a pledge. Now my friends, this Pacific railroad has engaged the attention of the present board of directors, most of them, for eleven years. We have become identified with it. It is to us our darling. Our hopes, our ambitions go with it away beyond the mere pecuniary results. Had that been all, when we had constructed the road over the mountains and made its connection with the eastern link, we might well have been content; but we wanted to do something more. We wanted to help build up the state, and so every dollar we got was put into the building and operating of a great system of railroads. And if we have not done more, it is not want of willingness on our part, but because we had no more dollars to spend. Are these shops here, are all of you men an injury to Sacramento? Has any harm come from your living here? Does harm come from your daily toil, and the money you receive, and the money you expend? Surely not, I think. But I said that we were engaged in building up a great system of railroads. This was our ambition, and wherever they have gone they have proven public benefactors. We have performed every obligation rigidly to the spirit as well as to the letter so far as counties, the state, and the national government were concerned. We have created wealth, and the wealth of the railroad company does not consist in taking money out of one pocket and putting it in the other, but actual values, wealth to itself, and much greater wealth to the state and the country. Why, in the mere matter of taxes on the property of this railroad system, take all the taxes together, it pays this year over $430,000. These taxes could not be raised excepting values had been created—wealth, actual wealth to the state. Our contract with the national government required us to build the road and complete it in 1878. We completed it seven years earlier than that time by extraordinary sacrifices; by sacrifices of at least $10,000,000. We were able to give to the country the use of these railroads seven years earlier than it required under the contract with the government, whereby the government itself, on the two roads, the Central Pacific and Union Pacific, is saving annually about $7,000,000, as shown by their reports.

"Now in those seven years the government alone saved $49,000,000, by this road being constructed seven years earlier than the contract required, and at a great sacrifice to the companies—the two companies—probably not less than $20,000,000. It has been charged upon the company that it engages in politics; that is, that the individual managers of it do. Well, who does not? Is it not the right of any citizen to engage in political matters? Is it not your right, and every man's right, to exercise just such influence as you are able, to carry out and enforce your political ideas? More than that, is it not your duty to do it? Gentlemen, you owe it to your fellow-citizens. That is my case. I claim the right to engage in politics if I desire, and I claim the right to use all legitimate influence that I may have to enforce my ideas, to carry out those measures which I think will be best to subserve the interests of the people. That is just what the editors of these papers do. I do not know that they have any more rights than any one else. Such rights are equal to every one; they are inseparable from free citizenship and belong to you and me. But I confess that of late years I have not wished to take any active part in politics. But when you are struck at, if you are a man, you will try to defend yourself. These people are constantly putting up men for office, not because they are good men, but because they avow their intention to do a damage to the railroad, to cripple its resources, and we defend ourselves. No further than that, except that I and every other member of the board will, when occasion requires it, if we please, stand up for the best men, and, like all true men, support our friends. Who is there would not do it? They constantly put up men, as I said before, for office, who propose to make war upon the railroad interests; unfair men; men who will not listen to argument; men who, while they claim to be honest, dare not stand up in the legislature by their own convictions, but go as this or that newspaper whip is cracked over them. These men I am opposed to. I am willing to take any fair man and let him go and let the interests of the railroad company take their chances with him; but when they pack a jury I object, and I want a change of venue.

"There is a great deal to be said in reference to this railroad and its relations to the interests of the state and government. When once you touch that subject it is almost inexhaustible, and I hardly know whether I ought to touch it, because I cannot do justice to it in the time that would be allotted to me to-day, or that I ought to take; but I will say this, because I have no doubt you are interested in it, and I know that every one of you are interested in the good fame of the company to which your interests attach you. It is natural that you should be. It is on this question of government aid. The entire amount that we received from the government, when reduced to gold coin, as all that we received was, was not sufficient to carry this road over the mountains. The balance of the money came from other sources. It came from the credit of the company, its bonds, its earnings, as it went on, and the government has ample security. We claim to be able to pay to the government every penny that it is entitled to. We challenge any one to show wherein we have violated any law. We have given to the government ample security. The roads that we have built, the main feeders, have been consolidated into the road, and instead of the government having 740 miles of road as security, by the various consolidations it has now about 1,600 miles. Does this look as though we thought of turning over this road, of giving it up, or that we do not intend to pay the debts of the concern? You gentlemen who know what these roads are, and the country they have opened up, and their future prospects, I am sure will not think so.

"Now, gentlemen, I have about had my brief say, but I want to say this, that the expenditures of the railroad company are and will be in proportion to its ability—doing justice by itself and everyone else. It desires to enlarge the shops, and then, if we shall have an opportunity as we ought, we will probably do as we then intended to have done, build a large passenger depot upon these grounds—a common one. We sought the opportunity to open Second street into a broad avenue, and to build a bridge that the little narrow place on the levee might be relieved, and those who travel there might have something better and less dangerous. It is probable—we are hopeful at any rate—that the experiment we have made in the construction of engines will justify us hereafter in building all that is needed to supply the wants of the road. Though it is possible that we might obtain them from the east cheaper than we could construct them here, we are willing to make more sacrifices in order that we might be able to extend home industry. We think that we shall, in a short time, fill up enough here to erect a rolling mill. In fact, the various improvements and extensions in this connection will probably require at least double the number of men now engaged in the shops. But we could hardly do this if we are to be crippled very sadly; but I have no apprehensions of that. I know that there is a disposition abroad in the state to harass and impede the progress of our work. It is the outgrowth, chiefly, of ignorance and misrepresentation. It is fostered by demagogues who use it as a hobby to ride into power. I know there are conspirators who are banded together and declare that they will break down the company, but they cannot do it. We will follow the even tenor of our way, dealing justly with men, pursuing a legitimate business, and will trust to the fairness, intelligence, and justice of the honest public. We are putting forth every energy to build up this country and develop the resources of this state. In this work we will succeed, for whoever stands in the path of true progress will be crushed as a pebble that gets on the rail before the engine. I say this because I have faith in the right, because I have faith in the intelligence of the people of this state; that they will stand by in the end; that at last they will know who are their friends; and they will see that no harm comes to those who stand by them. Now, my friends, I have said about all the occasion affords. There is a great deal in this connection that I could say with a great deal of satisfaction, to myself at least. I am glad to have met you here on this occasion. I am glad you wanted to see me, and I regret that my duties occupy my mind so that I cannot often come over to these shops. I would like to know you better than I do. I would like to know you individually. As a class I know you. I would like to go through the shops and see the machinery move, for to me its busy whirl is always interesting. But I am particularly gratified that you asked me to come, and I came with a great deal of pleasure. I thank you for your attention."

In the president's report to the stockholders of the Central Pacific for the year ending July 1, 1879, we find a lucid statement of plan and execution, of efforts and results, of past achievements and brilliant possibilities. "When you consider," he says, "the vastness of our country, and its undeveloped resources, you may anticipate as time advances a greater and greater increase in traffic. When the arts and sciences of China and Japan shall be supplemented by those of Europe and America, the people in these countries will be in their productive capacity and in their readiness and ability to exchange substantially equal to the same number of Europeans or Americans. No man can estimate what the business from that source will be, but it will be vast, probably far beyond what the most sanguine now anticipates. On the whole, the prospects of your company are now as bright as ever they were, and since the time when your road made its junction with the Union Pacific its future has been steadily brightening.

"There is no foundation in good reason for the attempts made by the general government and by the state to specially control your affairs. It is a question of might, and it is to your interest to have it determined where the power resides. Perhaps it is not strange that the attempt should be made to control the railways of the state, however unwise it may be, or however arbitrary and absolute the manner, because upon them depends so largely the question of production, and the exchange of the products of the labor of the citizens of the state. Through the aid of the telegraph, the printing press, and of steam, the whole civilized world is, in many respects, one great neighborhood; and the only question to be considered in the matter of free exchange of the products of the most extreme portions is that of transportation. The products, the wealth of the country, depend upon the cheapness of transportation. It is a problem that interests all, particularly the managers of railroads.

"San Francisco, located as it is on the bay of San Francisco, has an open highway for her products to almost every market in the world. As a seller she has the advantage of the competition of purchasers, and as a buyer she has the same advantages of markets at which to buy cheapest. She avails herself of competition. She profits by it, as people always do. She discriminates in her markets and in her routes of transportation; and so it is that San Francisco is a large, prosperous, commercial city, and is located upon this peninsula because of its great natural advantages. She is able, because of her location, to substantially dictate the price she will pay to the railroad companies for the transportation of freight from ocean to ocean. She has a route by the way of Cape Horn, another by the Isthmus of Panama; and the prices she pays the railroad companies are regulated by what she can command from these routes. In fact, the railroad company, aside from the one class of freight which pays the maximum, has no power to arbitrarily fix the price of freights. They are fixed by circumstances which the railroad company cannot control. About seven per cent only of the freight moved upon your road pays the maximum, and probably the price to the consumer is not increased upon a single pound of this freight because of any charges made by your company. In managing their business railroad companies are influenced by a consideration of their own interests, the same as all corporations and all individuals. When from any circumstances the price of grain in Europe is high, the European purchasers are in the market as competitors with our own purchasers for the commodities of our state, we find the farmer takes advantage of that competition and obtains from the home purchaser a price equal to that which the foreign purchaser offers. In this way the farmer sometimes doubles the prices for the product of his farm that he would have received if it were not for this competition. In like manner competition is availed of by all classes of people in all kinds of business, and it is a factor that must be considered and cannot be denied to any corporation or person except at the expense of the business. When we reflect that the whole question of production, the exchange of products, and commerce itself, is dependent upon transportation, it seems strange indeed that investments which tend to facilitate and cheapen it by offering additional accommodations, or by increasing competition should be discouraged or hampered, and their profits limited, possibly destroyed. It would seem that wise statesmanship requires that a business of this kind, which harms nobody, but which almost always tends largely to the benefit of the commonwealth, even though the stockholders should fail to reap the anticipated profits, should be encouraged, and, if regulated at all, that the state should provide a guarantee against loss of profits because of such regulation. It would seem but fair that if the state should regulate any legitimate business so as not to endanger its profits, it should make such a guarantee, and such will be the conclusion of a wiser statesmanship than was exhibited in the formation of the new constitution. Your company, however, has little to apprehend from the ill-digested and ill-considered article in the new constitution, providing for the election of commissioners with autocratic powers, because the act of congress authorizing the construction of your road has given to you the regulation of your own freights and fares up to a certain point, as appears in section 18 of the act of July 2, 1862. If the commissioners should be inclined to rule hardly against the railroad companies, the interests of the state, which cannot be developed fairly except through the construction and operation of many more miles of railroad than it now has, will require that they shall practically do no injury to existing railroads; because, if they do, there will surely be no further construction of railroads in this state, for no capitalists can be found so reckless as to make investments where the gross proceeds are to be regulated by somebody aside from those who make the investment and who may be the owners.

"This question of transportation is not settled by the new constitution. It is so important that it will never be settled except upon a just and wise basis. This the new constitution does not do; and while it will in some respects injure existing railroads, it will probably in a narrow sense benefit them by substantially guarding against competition in the construction of new and competing lines. Your railroad, however, is so located, being a trunk line, that its interests are above any such narrow view, but will be best subserved by the larger development of the industries and resources of the state.

"How community of interest becomes a factor in the regulation of freights may be illustrated by assuming a country without railroads and unimproved. It may be rich in agricultural and mineral resources. One body of men may desire to cultivate the land, another to mine, and so on, and another may be willing to furnish means of transportation, the price to be regulated by what the commodities can afford to pay, and by what the carrier can afford to move them for. Thus, if the product of the mines is gold, a very high rate could be charged on it, but if it is iron or coal, the rate must be so low as to permit the producer to meet competition in the market. The same rule applies in the case of agricultural products. In such cases, among other factors, not only should the products of the country be taken into consideration, their bulk, their value, but also the volume of business the railroad may have to do, and whether the freight moves principally in one direction or equally both ways. The prosperity of the railroad depends upon the prosperity of the state. The railroad, therefore, is always interested in building up the country, as is the public in maintaining the railroad, in order that it may have transportation.

"Our government is peculiar in that it was really founded upon a civilized idea, and has thus far been mostly maintained upon it. Other governments have been founded in force, and have been maintained by force. Our fathers, declaring the inalienable rights of man, and further that governments were instituted to secure him in those rights, proceeded to found a constitution based upon those principles, and for their maintenance, under which the one citizen was to be as safe in his person and property as all others. But unfortunately, scarcely was the constitution adopted when came the declaration that the majority should rule, intensified afterwards in its application by that calamitous declaration that to the victors belonged the spoils. The idea of the construction was that the majority should administer, but that the constitution should always rule. As the idea that the majority should rule has grown, the protecting force of the constitution has been weakened until, at last, the granger cases, the warehouse cases, the railroad laws of the northwest, your own case under the Thurman bill, and the decisions in those cases have been made possible. The principles laid down in those decisions seem to recognize two things—the communistic idea of the distribution of property, and the absolutism of control by a majority of the people. Absolutism may be as complete, and has oftentimes been more complete and tyrannical and oppressive under a republican than under a monarchical form of government, and statesmen and teachers will be compelled to take consideration of the present tendencies to absolutism in our government and instruct the people as to the true interest they should follow. We shall then soon return to the civilized government of our fathers, which gave protection to the individual and made him truly a free and independent citizen. The idea of our government was averse to the paternal or patriarchal idea of guardianship of the individual in his person, and in the acquisition and disposal of his property, that so long prevailed in the formation of governments. The intention of our system was that every man should be perfectly free and independent, subject simply to police regulations, restraining him only from using his own to the detriment of his neighbor.

"The changes in the organic law in relation to railroad corporations, were undoubtedly influenced by the consideration that your company has received in some manner aid from the county, state, and national governments; but as to what this aid was there is unquestionably great misapprehension. The fact is, there has never been any donation made to your company, either by the national, the state, or the county governments. The counties of Sacramento and Placer subscribed to the stock of your original company, and gave their bonds in payment. Afterward, they disposed of their stock for as much as or more than the bonds were worth at the time they issued them. The city and county of San Francisco, apprehensive of possible liability for the debts of the company when its affairs did not look very bright, compromised with the company, and, in lieu of subscribing for stock, gave four hundred of her bonds. The only aid rendered by the state was, under contract, to pay the interest on 1,500 of the company's bonds of $1,000 each—the company to pay the principal—and in return it was to render and has been rendering very important service. The aid derived from the government of the United States was its bonds loaned, and alternate sections of land given upon a contract very onerous upon your company, and of which only its possible want of ability to construct the road justified acceptance. Your company has not been enriched by donations. The county, state, and national governments have, under their contracts, not only realized all and more than they expected, but have had much the best of the bargain. If when they made those contracts they wanted something else than therein provided—a freer exercise of power of regulation, for instance—they ought to have so nominated in the bond. To claim and take what is not so nominated is to take by the exercise of might, not of right. Under the contract, the company owes the counties, the state, and the United States nothing but its good will and loyalty."

Mr Stanford is of opinion that the more railroads are consolidated the more benefit the people at large will receive. The effect is to lower rates. The state fixed a rate but the companies have always been below it. When struggling up the mountain, the people thought that fifteen cents a mile would be a fair passenger rate, but the company did not charge on an average over four cents, and even this has since been considerably reduced.

The tendency, he thinks, has been to carry freight as low as possible, and thereby encourage commerce. The freight has to be moved, and if the company makes but a trifle, it is better that it should move it, for other traffic accrues therefrom. A great proportion of the freight of the country has to be carried at low rates or not at all, for a trifle on a mile will determine whether an article can or cannot be raised profitably. Nevertheless the merchant makes no difference in the price of his goods by reason of a reduction of a few dollars a ton on freight. The bill introduced in the legislature of California reducing the rates arbitrarily twenty-five per cent, was obnoxious as against the common carrier in favor of the merchant only, and of no benefit to the general consumer.

There is, for instance, a place on the California and Pacific road called Dixon, where the freight from San Francisco was four dollars a ton, the reduction of twenty-five per cent bringing it down to three dollars. The merchants there kept a general assortment, groceries, dry goods, boots and shoes, and the like. Mr Stanford asked one of them to give him a list of such articles as he sold at a less price on account of the reduction of freight, and he could not name one. A dollar on the ton is about a tenth of a mill on the pound, and where is the arithmetic that is to determine the difference on the price to be charged? The rule of the carrier, having plenty of time and room to accommodate his freight, is to carry everything that offers if it will pay the additional cost. If there is anything more, it may go toward paying the expenses of the road. The company has lost nothing in moving freight at a low rate, for this policy has assisted in developing a road which will carry many times the amount of freight it can get. Whenever a quantity of freight is moved, there will always be some other movement consequent upon it. Every railroad man appreciates these things and makes them a study.

Although there may not be anything made in the movement of certain freight at a low price, the general development of the country is promoted thereby, and the road increases its passenger traffic, while in manufactured articles there may be a reasonable profit. Such at least has been the history of the railroad business in the United States. The charge for carrying has had a downward tendency, until to-day goods are moved at rates never dreamed of twenty or even ten years ago.

And here a word may be said in answer to the frequent complaints as to discrimination in rates. It has been assumed that if a railroad can afford to carry for a distance of five hundred miles, ten tons of freight in a single car, say at one cent a ton per mile, it can afford to carry the same freight twenty miles at the same rate. But if this principle were adopted the road could not exist. It costs, for instance, about twenty cents per ton to load a car, to say nothing of the cost of unloading. Thus for the shorter distance the entire sum received for freight would be absorbed before the car had started on its way, leaving nothing for operating and other expenses. Moreover, as the smaller way stations furnish but little traffic, the car, when emptied, may have to be hauled an indefinite distance before it can earn another dollar. It is therefore evident that the railroad must charge more in proportion for short than for long distances; for otherwise the one would consume all the profits realized by the other.

Again, as Manager J. C. Stubbs remarks in a statement read before the Pacific railway commission in 1887, "the rates of charge on the valley portions of the road are lower than on the mountain portions The charges upon lines through comparatively thickly settled districts are lower than those made through sparsely settled and desert territory. Such discriminations are recognized as necessary, legitimate, and judicious. Where competition is encountered, rates necessary to meet that competition are made. Where this competition is with water carriers, the charge is often lower for a longer than for a shorter and intermediate service; but in no case is a lower charge made for a longer than for a shorter haul included in the longer, except where competition compels it. There are not and have not been any discriminations in fares or freight, charges having for their object or effect the prosperity of one locality or community against another locality or community."

By all railroads differences are made in the charges for freight between large and small quantities and between competitive and non-competitive points, and in doing so, railroad men contend that they merely exercise a fair discrimination in their dealings with the public. Just as the merchant asks more for his goods when sold by the pound than when sold by the ton, asks more when the supply falls short than when it is abundant, asks more when he has a monopoly of such wares as his customers must buy of him, so the railroad man takes these and kindred considerations into account when fixing his basis of charges. And yet for so doing the directors of the Central Pacific say that they have for years been made the objects of bitter and general denunciation by the very men who are guided by the same motives in all their business transactions.

In this connection it may be mentioned that from the spring of 1864 to the close of 1889 there has never been a single year in which the affairs of the Central and Southern Pacific companies have not been made the subject of investigation, either by the national government or by a state legislature; yet in the reports of all the committees appointed for that purpose it has been again and again asserted that they have in every way fulfilled their obligations. While his associates were solely irritated at these annoyances, Governor Stanford was never known to lose his equanimity. "We are developing this country," he would quietly remark, "and the children of these men who to-day are abusing us, when the public shall have seen wherein they were mistaken, and the history of our work shall be written, will give us due credit for what we have done. And the men who write about it will wonder how their ancestors could have said what they did say." This alludes, of course, mainly to the comments of the press.

Says one who was on intimate terms with all the directors: "The people have had a wrong impression of these men. They have looked upon them as exclusive, aristocratic, autocratic, with no sympathy, or anything in common with the masses. The fact is they have been slaves to their business, slaves to the great enterprises they have founded and developed. I have quarrelled with them on these very grounds. I have told them that they ought to go out among the people more, make themselves known, and they would be more popular. I have said to the governor: 'Why don't you say, and let it appear in the papers, that on such a day you will be at a given place, and will meet anyone who wishes to see you? Why not go among the people and talk with them face to face? You sit here in your private office, wearing yourself out with the drudgery of your business and the people never see you, never hear you talk, and they take you to be cross and ugly because they don't know you. If you would only come forth and talk more with them, it would end this whole anti-railroad business.'" But while one of the most accessible of men, willing to grant anyone a hearing, and treating all men as his equals, Governor Stanford never courted popularity, though by doing so he might have saved himself from numberless troubles and vexations.

The heavy load of care and anxiety that for years has pressed on Governor Stanford began at length to have their effect. It was in the brain that he at first experienced it, and in the form of a tired feeling. He had to give up reading, which was of itself a great trial, dropping everything but newspapers, and of these he was soon obliged to confine himself to the editorials, and finally could only glance over the headings and telegrams.

These were the signs that plainly told that illness was at hand. One day his wife's brother called at the house in Sacramento, and as he went away remarked that Mr Stanford would surely be ill if something were not done to prevent it. This was in 1878. During his busiest periods he would sometimes work all night, and, if necessary, continue next day, apparently not feeling it. While the railroad construction was going on he would sometimes spend weeks in the field, camping on the snow or sleeping on the wet ground. Once on the summit of the Sierra the engine drawing his train ran into a snowbank, so that horses could pass over it on the frozen crust. During this trip seven days were occupied in making less than one day's distance.

The strain on the system finally broke out in fever. The doctors nearly killed him. At first he refused to see one, for he was not accustomed to be treated, and did not think much of medical interference. But he was finally persuaded by Mrs Stanford to call in a physician, and before long there were five of them. They dosed him nearly to death with quinine, giving him forty-five grains a day for seven weeks, besides arsenic and strychnine. His pulse rose to 103. When spring came he was desirous of leaving the city and retired to Palo Alto. His stomach rejected everything, and he felt that he could not live long in such a state. He resolved he would never again take medicine. Mrs Stanford became more and more uneasy, and sent for the family physican from San Francisco who said: "This is a clear case of blood-poisoning from medicine."

At length his stomach could retain a little very delicate chicken-broth, and from that time he began to improve. In ten days or a fortnight he could move about, but his body felt as sore and bruised as though it had been beaten. By and by he began to be troubled with spasmodic action of the nerves, the attacks increasing in frequency until they sometimes numbered a hundred in a night, coming on suddenly like cramps. Presently they began to decrease, and at the end of six weeks left him entirely. Thereafter he improved slowly, and at the end of seven months from the time he was first taken ill was able to go to his office on some important occasion. Though his first serious sickness, it had been a struggle for life, and he now resolved on a sea voyage, which resulted in his first journey to Europe. He was in no condition to work, nor was he absolutely needed, for matters were now moving smoothly at the railroad office. Proceeding to New York he remained there one winter before going abroad.

While at his office in New York one cold, windy day it chanced that the steam whereby the room was heated from the floor below was not turned on. So absorbed in business was he that he paid no attention to the temperature, and when ready to go home found himself so stiff that he could barely rise from his seat. That evening he was invited to dinner by Secretary Fish, and as a distinguished party was present he did not wish to retire before the others. It was midnight when the company broke up, and before Mr Stanford could reach his home he was taken seriously ill. The next day the nervous spasms returned, and for thirteen weeks his friends were fearful for his recovery. Indeed, as his physicians afterward informed him, when they saw him start for Europe a few days later they felt that they were bidding him a last farewell.

And now let us turn to the life of Leland Stanford junior, in the relation of whose pure and brief experiences is a moral essay which mothers may profitably read to their children, one by whose example the rising generation cannot fail to benefit, for though his career was brief, its teachings were none the less important.

Born at Sacramento, California, on the 14th of May, 1868, the name first given him was Leland DeWitt Stanford. The manner and circumstances attending the change of name were characteristic of the boy. He was fourteen years of age, when one evening the family were assembled in the library, at their house in

San Francisco, Mr Stanford engaged in executing some legal instruments in which it was necessary that his son's name should be accurately mentioned, and the boy deeply absorbed in a book. While the attorney was reading the papers aloud to Mr Stanford, preparatory to his signing them, as he pronounced the words, Leland DeWitt Stanford, the youth looked up quickly and said: "That is not correct; my name is Leland Stanford junior."

His father explained to him the importance of the change, and as it was necessary that his decision should be final, it was suggested that he should take time in which to think further of it.

"Papa," he said, "I have already thought about it, and I want your name exactly."

The coming of this child, the first and last ever born to its parents, was an event of no small import. The success of the father's great work was already assured, and, being in the very prime of life, the parents hoped to enjoy this new blessing in all its fullness. And for a period of nearly sixteen years they did so enjoy it. It is something, it is very much that the happiness of former years we cannot be deprived of, that, as age comes on, we are thus permitted to live in the past, as youth may live in the future.

Leland's earlier childhood was passed in Sacramento, and was not devoid of incident. He had a singularly keen and retentive memory, extending far back toward the beginning, and scores of little anecdotes he could recite with vividness and precision. When four years old he was presented with a pony, which stumbled at the stable door one day and threw him over its head. Reassured by his father's voice, he once more mounted, and soon became quite a horseman. In the California street house in San Francisco, whither the family moved in 1874, was an elevator, which one day fell with a great crash from the upper floor to the basement. In it were young

Leland, a colored boy, and a chinese servant, all of whom escaped serious injury. Hearing his mother's cry of alarm, Leland called to her, "Mamma, I am not hurt." When in Europe, if he chanced to go forth with his tutor while his mother was absent from home, he would go into her room and leave a note: "Dear mamma, we have only gone out for half an hour; don't worry."

Four years after the elevator incident he had another providential escape, this time from a railway accident, which left a deep impression on his mind. He was travelling with his mother in the east, when one evening, between Albany and Rochester, the train ran off the track, killing some and injuring others. The wreck of the cars, the cries of the wounded, the lamentations of the bereaved, and the dead fireman carried by, filled him with solemn awe, so that on reaching their room at the hotel, he said: "Mamma, let us kneel down and thank God for saving us."

His health was generally good, his first illness being inflammation of the lungs, caused by his playmates heaping up damp earth around him to his neck. From early childhood he displayed pronounced tastes and ideas. In his playroom, which he fitted up after his own fancy, and in which always the same plan of arrangement was preserved, were toy locomotives and trains, telegraphic apparatus, telephones, carpenter's tools, and the like, the walls being covered with pictures which he had colored, and drawings of ships and machinery.

His father used to say that he did not care for him ever to accept office, unless he thought he could do some especial good thereby; but he desired that he should be qualified for any position in life; therefore, he should have a thorough education. He had a natural taste for mechanics, and while still an infant displayed a singular faculty for observation. When living in San Francisco he would go out and watch the ships passing to and fro in the bay, absorbed the whole day sometimes in this occupation. He was not more than four or five years old when he began to use his pencil, drawing ships and other objects with remarkable facility.

He used his hands also most skilfully in the carving of wood, of which some beautiful specimens have been preserved. During the earlier part of his last illness he drew a plan of a boiler as he saw it, and estimated the pressure to the square inch. He also became greatly interested, as we shall see, in antiquities and the formation of a museum, which, when completed, he intended to present to the city of San Francisco. During his visits to foreign countries much of his time was spent, with a view to this purpose, among collections of curios.

Had he lived, he would doubtless have reproduced his father's strong characteristics, with many of the mother's amiable virtues, thus combining the better qualities of both. Between parents and child healthy reciprocal relations were established, and among other principles which they inculcated was that the true use of wealth was to elevate his fellow-men, and not merely to gratify his own desires. The highest aspiration of the boy was to be like them, while in his mental and moral training they were desirous that he should have the full benefit of their cultivation and experience. Hence in all his studies and development he was permitted to take for his own life as much as he should choose of theirs. He was admitted freely to their society; he was at liberty at all times to join in the conversation, even in the presence of strangers. Thus he was enabled to attain clear and correct ideas of all those practical subjects which afford at once education and mental discipline in a most beneficial degree.

Likewise he was devoted to books, and was ever an apt and intelligent learner. Nevertheless, although the lessons of his tutor were never omitted, whether at home or abroad, he met many distinguished persons and would often neglect his books or play while listening to them. Thus was formed, among many other acquirements, an incipient taste in art, from meeting such painters as Meissonnier, Bonnat, and Carolus Duran, watching them at their work, and drawing intelligent comparisons, his knowledge of French, which he spoke fluently, making him at home in their studios.

While travelling in Europe his father was with him much of the time and talked with him freely, taking pains to inform him correctly on all matters coming under their observation. When unable to give an answer to his questions he frankly told him so, thus avoiding mystification of the youthful mind. He also talked freely regarding the responsibilities which would rest upon the young man when he came to fill his father's place, never attempting to conceal from him the fact that he would probably be the possessor of great wealth, and that it would be his duty to take care of it, and use it wisely for his fellow-men.

Young Leland was always taught habits of economy by his father, who, however, furnished him with the means of making purchases for his museum, in the expenditure of which he displayed no ordinary business ability. He was taught how to keep accounts and impressed with the idea that he must make good use of the wealth which would be left to him.

His father used to talk with him about schools, and proposed that when he should have passed away, his son should provide for the establishment and aid of certain institutions, explaining to him that whatever was done in that direction was done for humanity; and after the death of the boy the idea remained with the father that he would make ample provision for some institution of learning.

Young Leland was greatly interested in the thought. His father endeavored to keep always before his mind the duties one man owes to another, thus laying broad and deep the basis of intellectual advancement, educating and enlightening and placing him upon the highest moral and social plane. He used to explain to him the principles of honor and self-respect, saying that there is one person's respect he should always have, and that was his own. That he must fully possess under all circumstances, and with that he would never fail to have the respect of others. In this way the father used to teach him, dwelling often upon the principles of humanity and the great possibilities of the human race.

The boy would drink in with absorbing interest all that his father would tell him, and became imbued with the desire above all to be well educated, and with a mind trained to habits of observation. He possessed great taste for archæology and was well acquainted with Egyptian art—so much so that he became the companion of men who had spent the greater part of their lives in pursuing that branch of study.

His father wished him to lead an active life, and partly with that view purchased the large Vina tract of land in Butte and Tehama counties, so that he might identify himself with the people and acquire a practical knowledge of agricultural pursuits, while at the same time having a healthful occupation, and one which would develop his physical powers to the best advantage.

Many happy days the youth spent at Palo Alto, whose varied and charming scenes were ever dear to him. He loved the country life, the bright sky and soft air, the woods and streams, the farm and the garden ; all were to him instinct with joy. He loved his horses and dogs, and it was his greatest delight to ride over the farm, mingle with the men, and talk with them of their work, or with a pleasant companion wander into the redwoods for a picnic. If in distant parts it was the same. While at Winter Harbor, Maine, where the summer of 1878 was spent, he was ever found among the fishermen, eagerly inquiring into the mysteries of their craft.

To an American youth a two years' expedition through Europe comes as a revelation, opening a new world and inspiring fresh ambitions. If the boy be intelligent and observing, such a journey cannot fail to be an education in itself. So it proved to young Leland Stanford, who began such a journey with his parents in 1879. Starting forth almost a child, he soon found his mind filling with manly ideas, and the serious purposes of life assuming form within him.

After a tour through Great Britain they went to France, and thence to Germany and Italy, meeting everywhere those monuments of the past which are the milestones of our civilization. An extract from his diary gives us a glimpse into his mind as it was at this time:

"March 21, 1881. Up at eight o'clock. At nine drove with Mrs C. and George to the Portici station. Train started at twenty minutes past nine. At 10:45 arrived at Portici, where we took a landau ordered from the hotel. While driving through the town counted forty-three beggars. Drove for two hours and twenty minutes through the well-known lava fields. They present a very dreary aspect, though at intervals we saw a pretty piece of country, with trees, verdure, and grapevines. At one o'clock arrived at the Vesuvius railroad. Had to wait about twenty minutes before the car went up, and when we at last reached the upper station it was 1:30. Now we had to climb for another half hour, and it was very fatiguing work. At two reached the platform of Mount Vesuvius. Here Mrs C. sat down and waited, and George, I, and the guide explored. I asked Mrs C. to allow me to go up to the crater. At first she refused, but a lady standing by heard us and came to my assistance. She said it was not dangerous and I was allowed to go. Now we had to pass through smoke and smell of sulphur—that was the worst part of the trip. At last we reached the foot of the crater, and ten minutes later we had mounted 100 feet higher and stood at the mouth of Vesuvius. But only for a moment. Our guide would not let us stay; he said it was dangerous, and we could see that ourselves. From time to time big stones were thrown up, and the smoke was so hot that we could scarcely stand in it. Found Mrs C. awaiting our return with impatience; we had heard her calling my name a long while before she could have noticed me. As soon as we arrived at the lower station I sent a telegram to mamma that we all were safe. Ten minutes afterward we were on our way home; came in at 6:30 o'clock, all feeling very tired, and soon went to bed."

Thus the youth developed in mind and heart, his affection for his parents being unbounded. When he was about twelve years old the family, which was spending the winter at Nice, removed to Rome on account of the cold, and with his mother he attended one of the pope's private audiences. Soon afterward Mrs Stanford was taken ill and confined to her bed. One morning Leland went out alone, and when he came home he said, with a serious look, "Mother, I feel now that you are going to get well." "Why so, my child?" "Because I have been up all the holy steps this morning on my knees, and on every step I said a prayer, and when I reached the top I felt sure that you were going to get well." It was at once a revelation and a vision to the mother. There stood the boy, his face radiant as the sunshine, and had an angel dropped from heaven as the bearer of glad tidings, it could not so have thrilled this mother's heart!

All this while, with the more esthetic tastes, was forming likewise a most practical mind, in these respects, as in many others, the son being the counterpart of the father. The faculty of construction he seemed to inherit in a remarkable degree. His talent for detail was no less than his general comprehensiveness, the two, with experience and application, which he surely would have had, constituting the highest order of executive ability. He would criticise the great painters, their works and character, with no more egotism or self-consciousness than when offering suggestions to the man digging a ditch, as to how he could do it easier or better. If he saw macaroni made, or glass blown, he could not rest satisfied without having the process explained, with the cost of manufacture, wages paid, and hours of labor.

All kinds of machinery, especially whatever related to railways, interested him greatly. Trains and engines were the first objects of infantile notice, the playthings of his childhood, the study of his youth. He was but about a year old when, in 1869, on the completion of the overland railway, he made his first journey across the continent. Before the completion of his eighth year he had visited the railroad shops at Sacramento, and ever afterward railway construction and management seemed to be a passion with him. He learned all about the steam-engine, and labor-aiding and propelling machinery. At twelve he constructed with his own hands a track at Palo Alto 400 feet long. Whenever he made a railway journey, in Europe or America, all his faculties of observation were on the alert; and he was ever comparing the railroad systems of the several countries through which he passed. Thus of the departure of an Italian train he said: "First a bell rings; then a horn is sounded; then the station-master blows a policeman's whistle; then the engine whistles three times; the conductor cries out '*Partens!*' and at last, if nothing has been forgotten, the train starts."

On the bridge over the New York Central railway station he would stand for an hour at a time watching the movements of the engines below. In mechanical or agricultural exhibitions he would become greatly absorbed, forgetting himself and all around him in his deep abstraction over cunning contrivance. A patent railway car, which the inventor claimed could not be telescoped, being shown to him, he soon pointed out certain weak points which threw the proprietor into confusion. But his passion for the practical did not interfere with his love of nature and of art. In Switzerland, where his parents spent the summer of 1881, he enjoyed the pleasures of mountain life as keenly as if there was no such thing as a mechanical contrivance in the world.

Mr Stanford's brother used to remark of him, "He is a very acute observer," and again, "Your boy is older in ideas than many men of forty; he does not talk like a boy at all." This came from his being associated with prominent men, whose characteristics he would narrowly observe; and also from not being thrown into the company of other children to any great extent. It was his father's plan that he should always have three or four professors, each one to instruct him in special branches of knowledge, and so arranged as always to have one of these professors at table with them, so that the boy would grow up under the influence of mature minds, which would enlarge and strengthen his own.

His appreciation of art, for so young a connoisseur, was no less remarkable than his knowledge of technique. The plethora of St. Sebastians and Suzannahs, of John Baptist heads and Eves in Eden, in all the galleries of Europe, tired and disgusted him before he was half through his tour. On the other hand, his admiration for such statues as Ribera's John the Baptist, and the two heads by Denner in the Belvedere palace at Vienna, displayed a full appreciation of the truly beautiful in art. Michael Angelo's Moses, though large and heroic, he did not like, nor the statues of Castor and Pollux; but for the Farnese Bull he was full of admiration. Of monuments he was most struck by the Albert memorial in London, and the Lion of Lucerne.

One day at Pompeii his mother placed in his hand a piece of mosaic, saying, "Let this be the nucleus of your museum." It was as seed sown in good ground. A taste was thus implanted for rare and antique things, which increased and brought forth fruit to the day of his death, and before the end of his first visit to Europe his collection had reached no mean proportions. He also became deeply interested in antique glass, of which he made a valuable collection.

Returning from his first European trip, the summer of 1882 was spent in his native California, the land which of all others he loved best. Out-of-door life was here an elysium to him, while within walls was the work of classifying and arranging his collection, in which he became deeply absorbed. The autumn and winter following were spent in New York, and though he found there much that was instructive and amusing, the restraints of city life were not much to his liking. While his studies were by no means neglected, much of his time was passed in watching the boilermakers or at the depots, where he would spend many an hour that might have been given to play, to driving around in sleigh or carriage, or to skating in the park.

Meanwhile his parents were both of them far from well, and had been advised by their physicians to take a sea voyage. On the 26th of May 1883, therefore, they all sailed from New York in the *Germanic*, reaching London the 4th of June on this second European trip. The health of Mr Stanford improved from the first, but Mrs Stanford grew worse, and became indeed seriously ill. At this time the boy Leland was to her as a ministering angel. "Here," says his tutor, Mr Nash, to whose excellent biography I am indebted for the materials of this sketch, "care and anxiety cast their first shadows across his adolescent path. He would sit in the darkened sick room, brightening it with his young spirits, and cheering the invalid with descriptions of all he was seeing in the great city. A good son cannot be a very bad man; for the love and reverence he pays his mother approach very nearly to that love and reverence we owe to the deity. A man's best instincts come to the surface when he is with his mother; he would keep all his weaknesses out of her sight. But boys, from the very exuberance of health and spirits, are generally careless, and forget the great power they possess, that of making a mother's heart glad or heavy. Leland, however, was always thinking of his mother. In the midst of his pleasures he would stop to buy her a few flowers or some choice fruit, was always punctual in his return home to save her anxiety, and when she was ill he took a daughter's part rather than that of a son. As soon as she was well enough to go out, how proud he was to give her his arm and be her escort! How careful he would be of his personal appearance on these occasions; for though young ladies' company and the conventionalities of society had no attractions for him, toward his mother he would display the most attentive gallantry. Ah! here was the reward for the long, sleepless nights of watching, for the patience with infant querulousness, for untiring nursing; here was the mother's harvest bearing fruit in its season. His affection for his father was of another order. It was made up of reverence, respect, and obedience. He looked up to his father with admiration, and respected his decisions as law; yet with all this he never surrendered his right to his own individual opinion. We have shown that he formed these opinions quite independently, and he would uphold them sturdily, surrendering to no one's arguments until fully satisfied that he was mistaken. He was constantly at his father's elbow for counsel and information, but his conclusions and ideas were his own. He was glad to follow his parent's advice, but he would do his thinking for himself."

From Claridge's hotel, London, on the 2d of July 1883, he wrote his aunt: "Papa is a little better, and mamma's eyes are improving. She has been out driving twice with one eye uncovered. Mamma has promised to get me a double tricycle for Menlo. They are very handy, and only half as hard to work as single ones. I must have the pedals arranged on one side for short legs, and on the other for long ones. Every evening we can go to the station at Menlo. It will be very nice over the hard road, but less so on the gravel. I am also to have a complete machine-shop, and an engine strong enough to run it. The engine will probably be of three or four horse-power, quite a large machine."

A week later he writes his uncle: "I should like you to find out whether my engine and boiler were sent from New York, and if they have arrived please send them to the city house; but if not, let Mr Stymus store them in New York till I come back. Please have my guns taken to Liddle and Kaeding's, on Washington street, and in the country see that my bicycle is kept in a very dry place, and that my boat is left in the loft over the stable. Tell me how my horses are. I hope they are not being used much, and not at all at the stock farm. Ask Mrs Johnson to see that Arka greases all the steel in my museum, except the figure on horseback and the two pieces that go with it; these two I should like to have put in my own room."

A trip to eastern Europe had been long under consideration, and it was now determined that, as soon as Mrs Stanford's health would permit, it should be undertaken. After some two months' sojourn in England, therefore, the party proceeded en route to Paris, where Leland soon became well known as a collector of antiquities.

"For Egypt, its people, its history, and its monuments," says Mr Nash, "he felt the greatest interest ever since his education began with the Rosetta stone. A succession of visits to the Louvre museum in 1883, and the perusal of accounts of Mariette's and Champollion's work added fuel to his ambition. Very soon he was gathering here and there the foundation of a rare collection of Egyptian bronzes and antiquities. Nor was it made idly as the diversion of a moment, for, while employed in its formation, there was much difficult study to be undertaken. There were researches to be made and works to be consulted. Many an afternoon was spent in the Egyptian wing of the Louvre, note-book and pencil in hand, copying hieroglyphics on sarcophagi and scarbaei. Many an evening was devoted to the study of works on Egyptian inscriptions. So well was the time employed, so apt was the scholar, that in a very few months Leland Stanford could read many of the signets of the Pharaohs, knew the signs of the different dynasties, and had acquired a very fair knowledge of the attributes of Osiris, Horus, Anubis, and the whole complicated mythology of Egypt."

Whenever he visited a museum he would make a careful study of what he saw there, and thus learned how to make his purchases to the best advantage. During his travels he had many curiosities given him, and many kinds of stones, which, while in Rome, he had cut and polished, and made into a mosaic table, with defined sections, one marked England, and others Scotland, Ireland, France, Germany, Italy, etc., from the name of the country to which they belonged. This table is now in his museum at Palo Alto.

During this second trip to Europe his collection became quite important, and in this work he was encouraged by his father, who saw that he already understood the value of money. By this time he had become ambitious and aspired to create the museum, which, as we have seen, he intended to present to the city of San Francisco. Everything that he purchased was with reference to science. Before this he simply bought to please himself, but now he would buy only that which would please the scientists. He made the acquaintance of many archæologists, among them a Frenchman in the museum of the Louvre, who took a great interest in him, and had a fondness for Egyptian archæology. This young man was afterward appointed curate of the museum of Boulaq, at Cairo, the finest Egyptian museum in the world.

In order to make a scientific, and at the same time an interesting museum, it is necessary to have a complete collection as far as possible; that is, not to spend money in miscellaneous objects which have no real value, but to determine what collections you intend to have, and then spend your money in that direction. With this view, Leland thought of several collections; one was Egyptian antiquity, another Greek glass and pottery; a third, the American stone age; and, of course, there were many collateral collections. He found that money could be spent to better advantage when used in one direction. It was afterward determined to make these collections as complete as possible, finish them exactly as he had begun them, and have them placed in the university.

He gathered a large variety of miscellaneous objects from famous battle-fields. He had also a large collection from the siege of Paris, from the Prussians and the Commune, pieces of shell, paper money, and a miscellaneous assortment of which no one had any idea, not even his parents. After returning to San Francisco he spent several weeks in taking these things out and storing them in the upper rooms of the house, cataloguing them, having them classified and distributed in glass cases made for them, and arranging the cases systematically about the walls of several large rooms set apart for the purpose. Then his father was called in to see them; and how his young heart bounded as he saw on that beloved face the look of glad surprise, and heard him say, "I had no idea you had anything like this, my boy." The rooms long remained just as he left them, the intention being to reproduce the collection at Palo Alto when the museum building was finished.

Part of August was spent at Havre, where it was thought the sea air would be beneficial to Mrs Stanford. Here Leland greatly enjoyed driving about the country with his mother, and watching the shipping in the harbor.

Writing Miss Hull from Paris, September 2, 1883, he says: "We have been staying for the last three weeks in Havre, where the bathing is delightful. I went in swimming every day, and tried to imitate Captain Webb. I am getting on pretty well with my lessons, but live in hopes of Mr Nash visiting his family for a fortnight. Papa goes to Hamburg on the 6th of this month. I wrote to him every day. Mamma is better. . . . I hear that my dog Toots has developed vagabond propensities in California, under the tutorship of my other dogs, so much so that he has to be tied up by the neck, and causes Sing, who has charge of him, great anxiety."

A portion of the autumn was passed in Germany, where Leland watched the manœuvres of the army with great interest, though never missing an opportunity of adding to his collection. At an exhibition held at Frankfort was an iron-shod piece of timber, said to have been one of the piles of Cæsar's bridge, rescued from the bed of the Rhine. This, with some difficulty, he succeeded in purchasing and sending to San Francisco. A month later, in company with his father, he visited the wine cellars of Bordeaux, giving his impressions in a letter to his uncle, dated Paris, October 17th: "We have just returned from Bordeaux, where we had been to see the wine-making. We spent one day visiting Chateau Lafitte and Chateau Larose; the vintage was just over, but we saw the cellars. The Lafitte vineyard, 750 acres in size, was recently sold to Baron Rothschild, of Paris, for over $7,000 an acre. The labor on this vineyard is about one man and one-half to an acre. The report that the Lafitte vines had been destroyed by phylloxera is not correct; they are, in fact, in a thrifty condition, and their net income varies from three to four hundred thousand dollars per annum. Yesterday papa visited the Chateau Yquem vineyard, where the vintage was going on."

Referring to his intellectual progress and to the period of 1883–4, Mr Nash remarks: "His studies, which had been continuous and regular through all his travelling, were now assuming proportions consistent with his years. It is true, as has been said, that we can best discern a boy's character by watching him at play; is it not also true that by watching him at his books we can best judge of his future? Study is as irksome for most boys as work for work's sake is to most men. Leland had the tastes of his age, its likes and dislikes. Being full of life and health, he did not prefer his Latin grammar to his gun, or his algebra to his driving-team; but when the time came for Latin or algebra, gun and team were manfully forgotten. His pastimes never interfered with his studies; in fact, the two were so often so nearly connected as to merge into one. History fostered his love for antiquities, and his taste for machinery encouraged him to apply himself to mathematics. So history and mathematics became his favorite studies, and as he grew in years his proficiency in these two branches grew also and promised much in the future. None can draw the veil from what might have been; but we know that the crops will be of the same kind as the seed; and we have seen mathematics give the world its great inventors and history give it its prominent statesmen. The facility with which the boy mastered modern languages was frequently commented upon, but few knew his quickness and aptness in mathematics. From the day when he first opened his arithmetic to the day when he closed his algebra upon his last equation Leland met with no difficulties. In his classical studies his accurate memory stood him in good stead. He not only had the faculty of retaining, down to the minutest detail, all that he read, but he would be taught. All that his teachers had in them he would have out of them. Often the text-book disappointed him; its explanations were not clear enough; he was not satisfied with mere facts, he wanted causes and reasons. And to keep pace with his active mind, his teachers had themselves to keep ever active. One of his professors was heard to say, 'I came to teach him, but it is he who teaches me.'"

His museum taught him to trace the development of things back to their source, and he claimed, as Mr Nash has said, that to the Rosetta stone he was indebted for his ancient history, as it was this that first awakened his curiosity. He was very fond of listening to music, but never cared to learn it, saying, "Mamma, you are spoiling a good mechanic in trying to make me a musician."

He was now a tall boy for his age, and he was a very handsome boy. He grew rapidly, and at the time of his last sickness was five feet eleven inches in height. He was exceedingly active, fond of out-door life, and as this is what his father desired, his tutor was instructed to devote plenty of time to such studies as botany, mineralogy, etc. He was proficient in field sports, a good rider and a first-class shot. When he came home from Europe the first time his father allowed him to use a rifle and shotgun, and of this privilege, with his horse and dogs for companions, he often availed himself, adorning one of his rooms with what he called his trophies of the chase.

In facial expression he resembled both his father and mother, though perhaps there was more of the mother in his features; he had the father's mouth, but the mother's upper face and eyes and formation of head. He combined the dispositions of both, having the father's strong will and keen observation, which left nothing unnoticed, but combining with this the mother's affectionate disposition. For instance, when training or disciplining him, it was always easier to do so through his mother's influence and through an appeal to his affections than to endeavor to coerce him. This latter course, which, indeed, was never tried, would certainly have failed. Coercion would have roused the strong will inherited from his father. His character, of course, showed the greatest development during the last two or three years of his life; before that it is well known what young boys are liable to be when, as in his case, the character is strongly marked from infancy. His tastes were more indicative than anything else of his character, which was moulded largely by close intercourse with his parents. Often we have noticed people placing their children in the hands of a nurse, and probably not seeing them more than twice a day. This, certainly, was not Mrs Stanford's custom.

It was exceedingly interesting to watch the growth of the mind in so apt and intelligent a scholar. As there is no more tiresome work than teaching a dull pupil, so there are few more interesting tasks than instructing a bright one. The teacher sees his knowledge reproduced in the pupil, and in Leland's case, with many new ideas of his own added. Every one was surprised at his rapid progress. One day, after Mr Nash had been with him for two years and a half, he told the boy's father that if Leland continued to progress so quickly, he would soon acquire all the knowledge he had to impart, and that it would be necessary to employ specialists to teach him. He would need a special mathematician and a professor of botany, that he might keep pace with his own intelligence. This was when he was but fifteen years of age.

The bent of his mind was toward mathematics and machinery, as I have said. To illustrate: while in New York, and when but thirteen years old, he completed a little stationary engine entirely by himself. It had a cylinder, perhaps eight inches in diameter, and worked to perfection. The castings were made from his own drawings, and he put all the parts together, running the engine by the steam which was used to heat the house. He was well acquainted with everything connected with engines and railroading, and had he remained in the body he would have probably become one of the foremost railroad men of the age. He would often get off the train and talk with the engineers about the different parts of the engine, would ask if certain things were not the best, and if certain improvements could not be made. The engineers would look at him in astonishment and inquire, "Who is that boy who comes around and seems to know so much about an engine?" When they were told probably they were not surprised. Several times when on special trains he was allowed to ride in the cab and run the engine for twenty or thirty miles, though of course with the engineer at his side.

Like his father, he required a reason for everything, and would take nothing for granted. When studying Latin, he wished to know why this tense was called the perfect and that one the imperfect, and so on. The consequence was that before he began to learn the grammar his tutor had to explain the whole system, what it was, and why it was necessary to learn Latin grammar. Thus he received a very complete education on the subject in hand, because he knew the foundation, and would ask questions until he understood it thoroughly.

It was on a bright November morning in 1883 that the Stanfords set out from the Hotel Bristol, in Paris, for their visit to the classic East. Proceeding leisurely down to Marseilles, and stopping at Lyons to visit the silk-weavers, they passed on to Nice, where they spent a fortnight, and then to Venice and Vienna. Amid all these varied scenes in which there was so much to interest and amuse, the boy was supremely happy. The Marseilles museum, and also the rooms of a private collector, drew from him his warmest admiration. It was here he noticed that on the oldest crucifixes the Christ was represented as tied, not nailed, to the cross; while at Venice he was not slow to observe the ebb and flow of water in the canal, though he had been taught that the Mediterranean has no tides.

To his aunt he writes from Vienna, December 25th: "I wish you and Uncle Ariel a merry Christmas and a happy New Year. It looks like Christmas here, for it is snowing pretty hard. We were very busy sight-seeing in Lyons, Marseilles, Arles, Genoa, Venice, and we have been here. In Lyons we visited the great silk houses. These are about six stories high, and are let out in rooms, where each man owns his own loom and makes as much velvet or silk as he can. The men can do nothing alone, as the silk is brought to them by a contractor, who pays them $1.20 a day for weaving it. At Arles we saw some very interesting Roman ruins; at Marseilles, fine picture galleries and a good museum; at Genoa the same, and at Venice the palaces. We are going on to Constantinople, Athens, Rome, and so back to Paris. I will write you another letter from Constantinople and let you know about the wily Turk. I expect to get a great many things for my museum. I am now collecting Egyptian, Greek, and Roman antiquities."

The following Sunday, the last of the year, he heard a sermon in the presbyterian chapel, in which the ever-present possibility of death was alluded to, which made a deep impression upon his mind. This was his last attendance but one at any church.

Leaving Vienna they proceeded to Pesth, where was spent the first day of the year 1884. Fearful lest the weather or some other obstacle should interpose to prevent their journey, Leland was anxious to push on to Constantinople. He grew impatient over a week's delay at Bucharest, owing to snowstorms; and he rejoiced even in the dark night sleigh-ride to the Danube, and the passage at daybreak in open boats over the half-frozen river, and the railway journey from Roustchouk to Varna, and the Black sea trip thence to Constantinople.

He soon had a philosophy of his own regarding the nature and idiosyncracies of the Turk, though he hardly could determine whether most to despise him for his fatalistic tendencies and treatment of women, or admire him for his self-contained independence and punctiliousness in matters of business and religion.

During the many excursions made in and around Constantinople Leland was profoundly interested in all he saw. It was to him like a visit to another world. He never tired of a picnic on the hill of Scutari, or a ramble among the fortifications of Stamboul; and one day, which he declared was the happiest of his life, was devoted to an excursion on the Bosphorus from the Golden Horn to the Black sea, in which he was permitted to steer the steam-launch which carried the party.

The middle of January saw them at Athens, with Leland once more deeply immersed in the study of archæology. The day of their arrival was stormy; but he could not wait for fine weather to see the Acropolis; so his first visit to the Parthenon, the Erechtheium, and the temple of Athena Nike was made knee-deep in snow. A day spent with Dr. Schliemann, and in the examination of his collection, was prolific of interest and enthusiasm; and it was a great disappointment that he could not be present at the sinking of a shaft at Marathon.

A most pleasing picture he presented at this time, physically, morally, and mentally. Tall, as we have seen, well formed, lithe, active, graceful, with a capacious forehead, light-brown hair, steady thoughtful dark-brown eyes, clear ruddy complexion, lighthearted, and full of fun, yet with the quiet dignity of self-respect and self-possession, he was the favorite of all wherever he went. He possessed great firmness of character for one so young, being no less intellectually independent than physically self-reliant. He possessed also in a remarkable degree the faculty of absorbing knowledge, drinking in at every pore all that man or nature could give. His criticisms on almost every subject, though more playful than pedantic, were nevertheless intelligent and shrewd, and in the main correct.

In heart he was no less perfect than in mind. While yet a child, from among his active and gay companions, he singled out a little, sickly, lame boy and made him his friend. On the Palo Alto farm, when a dog once broke its leg, after bathing and bandaging it himself, he telegraphed to San Francisco for a doctor, and when obliged himself to go to the city he carried the injured animal with him, fearing that it would not receive proper care if left behind. Again, in New York, in winter, he called a little boy into the back yard to play with him. The snow and slush lay deep on the ground, and by and by when the little fellow saw his shoes wet and soiled he began to cry, saying he would be punished. "Never mind," said Leland, "I will clean your shoes; I got you into the scrape, and it is only fair I should get you out of it." And he did. These examples, which speak louder than words, might be multiplied indefinitely.

Fifteen years of the happiest and purest life mortals may know had now passed over him, and he stands upon the threshold of that great and mysterious change which every living thing must sooner or later undergo. To him it comes, alas! all too soon. Beloved he of the gods, indeed, if it be true that they whom the gods love die early! Beloved also of parents and friends, who would have him with them yet a little longer, who would have him live after them, supplement their achievements here, adding day by day to the great work of their lives, becoming great and good through their teaching and example, and being likewise good and great in and of himself.

The first shadow of coming events appeared during the return from an expedition to the ruins of the temple of Eleusis, when Leland was unusually quiet and complained of sore throat and headache. But being apparently as well as ever the next day, nothing more was thought of it.

From Athens they crossed the isthmus of Corinth, and proceeded in a small Greek steamer up the gulf to Brindisi, and thence by rail to Naples. During this last stage of the journey Leland again appeared unwell, stretching himself upon the seat and sleeping much of the way, and during the two weeks spent at Naples he never seemed quite in his usual health.

Writing to Miss Hull from Naples—the last letter he ever wrote—he says: "I have seen lots of things since I wrote you last. We went to Nice after leaving Paris and had a very enjoyable time there, as the American fleet was at Villefranche, and there were dances on the ships every Thursday. From Nice we determined to go to Constantinople. We stopped at Venice for five delightful days. Three evenings in succession we took gondolas and hired a boat-load of singers, and had them follow us down the canals and sing under the Rialto. Christmas we spent in Vienna, where we stayed altogether ten days, going to the opera almost every night, and seeing one of the best opera companies and ballets in the world. At Bucharest we spent the Russian New Year's day, and on the 5th of January we started at five in the morning for Varna. We reached the Danube at about six, at a place called Giurgevo (you must know that for about ten days everything had been blocked with snow). Here we took sleighs and drove over the ice to a small island, where two open boats were waiting to take the passengers across the river through the floating ice. The river is about a mile broad here. At Rustchuk, on the opposite bank, the train for Varna was waiting for us. When we arrived in Constantinople, we all thought we were in the strangest country we had ever seen before. No two Turks seemed to be dressed alike, because their clothes are of so many different colors. We made the acquaintance of Pangiris Bey, one of the Sultan's aids-de-camp, and he took us to the treasury. Here we saw diamonds literally by the bushel, and one emerald as large as your hand, bowls full of emeralds, rubies, and pearls, and carpets of gold covered with precious stones as close as they could be laid on. After seeing three rooms out of the six which are filled with just such jewels, we were taken to one of the Sultan's private Kiosks, where coffee was served to us in cups with gold holders set with diamonds; we were also served with a delicious mixture of preserved rose leaves. We saw two other beautiful palaces, but it would take me a month to tell you all about them, so I will wait until I get home. At Athens we had a very nice time, and met Mr and Mrs Schuyler, Mrs Bakmeteff (General Beale's daughter), and Dr and Mrs Schliemann. I bought a good many antiquities for my museum, and papa gave me 4,000 francs for its support. We saw lots of beautiful and wonderful things in Greece, and enjoyed our stay very much. We had quite a smooth passage from Corinth to Brindisi, and I arrived at Naples without having been seasick at all from Varna to this place.

"Papa is well (except for his stiffness), and does a great deal in the way of sight-seeing. Mamma and I are not well just at present, because we have been going it too hard. Mr Nash lost his valise in crossing the Danube, and now anything that cannot be found happened to be in that. It must have been as large as Noah's ark, and contained the treasures of the Indies."

The rest is briefly told. From Naples the party proceeded to Rome, and as Leland grew worse rather than better, they sought for him a more bracing climate at Florence, where they arrived on the 20th of February. And now the fever which had been burning within him broke forth in all its malignity. In a darkened room he lay for three weeks, while life was every moment loosening its hold on him, the hearts of the agonized parents meanwhile vibrating between hope and despair. His mind wandered at times, with lucid intervals, the periods of delirium being filled with pure and innocent flights of fancy regarding his museum, his horses, his studies and his pleasures.

At last, on the 13th day of March 1884, being then of the age of fifteen years and ten months, his pure and gentle spirit passed away.

It is impossible for pen to depict the feelings of the parents. As to the father, his fondest hopes, his proudest anticipations were gone. How blank was all the world, how hollow its successes and its honors! The boy was so intelligent, so affectionate, so appreciative of the proud possibilities which nature and his parentage had given him. And he has left us; he has gone before; what now shall be done with all that remains?

The night following the boy's departure the father had a dream. His rest had been broken much of late by anxious watching, and now his sleep was fitful, the aching heart and fevered brain preventing health-restoring slumber. His darling came to him, his image being apparently as real as if he were palpably present in the flesh. And he spake these words: "Father, be not cast down; all is well; you have much to live for; you can do so much more and better for your fellow-men than I."

It is not at all strange that such a realistic dream should spring from the father's disordered sleep, for he had been conversing of these things with the boy; he had been thinking much of Palo Alto, and what he should do with it, and with all his other vast possessions, and all these were running in his mind. He arose and told his dream to the beloved wife and mother; and they talked it over; and when the morning came it had been determined between them that they should establish a university. They found consolation in the thought, for it had been the thought of their darling; it made his absence seem less real, his spiritual presence more palpable; and from that moment they never lost sight of their great purpose.

Leland was a strong, healthy boy, and, with a sound mind in a sound body, was deemed beyond the ordinary risks of human vicissitudes by those to whom he would have been so worthy a successor. But while thus regarded by parental affection and admiration all unknown to them the seeds of disease were working in him the ruin of that beloved frame. The fever caught at Constantinople began to show itself at Athens, increasing as the journey continued, so that his thirst and indisposition interfered with his comfort and sight-seeing at Athens, and more particularly at Naples. It was long in developing. For even in Naples, while his father was regarding with some undefined concern the contour of his face, with its clear complexion and chiseled profile, he felt reassured by what he saw.

And now with the mother he is confidently looking forward to the reunion, satisfied that the other world is better than this; that it is a world of activity, in which we will have far more happiness than in any possible passive condition where there are no desires.

And the mother; it nearly killed her. It was long before she recovered from the blow, if indeed she ever entirely recovered. But for her strong religious faith, her firm belief in the immortality of the soul, and that God never intended death as a punishment, she probably would not have survived.

He was not only her child, but her constant companion from birth. The house in Sacramento where he was born, and in which cluster so many tender associations, is kept for the present, but may finally be devoted to some charitable purpose. In common with her husband she felt a great interest in training the boy for the greatest usefulness, and was constantly planting ideas in his mind which would influence him to do right throughout his whole future life.

"Our precious boy had always the greatest respect for me," the mother observes, "whatever I said he regarded as law. Sometimes he would go to his father, who would say, 'My boy, have you asked your mother? it is just as your mother says;' and that was an additional reason why he respected everything I said and everything I did. He would come to me and ask my advice about everything."

His nurse used to complain to his mother sometimes about his soiling his clothes, and on one occasion the latter told him to be more careful. He took the matter quite seriously, though he said nothing at the time, for he was of an earnest, honest nature. But at night, when his mother went in to hear his prayers, as was her custom, after she thought he was entirely finished, he added, "and please, God, help me to keep my clothes clean."

"It shocked me," says the mother. "It made me feel so terribly. I told it to my mother and to Mr Stanford's mother; I said that it had taught me a lesson. He had taken it so to heart that he was praying over it." Thereupon Mr Stanford's mother made him some plaid clothes to play in, saying that he would not soil them so easily.

From the time he was taken ill until he passed away he never spoke of death, but would try to cheer his well-nigh heart-broken parents, saying, "Oh, papa, I think I am all right—I think I am better."

"But he was very earnest," the mother says, "and I think he knew what was coming. I could see his little hands in the act of prayer and hear him say, "Our Father." He was more to her than a son, she used to say; he was a lover. When she would put on an article of dress which he did not fancy he would remark: "Well, I think I would not wear that." He was very simple and unassuming in his tastes, and did not like to see his mother arrayed in any attire which might attract attention.

Among his various tutors on the continent was sometimes a catholic. Once, in Italy, as mother and son were walking out in the afternoon, according to their custom, they entered a church, and as they passed the bowl of holy water, Leland, having removed his hat with reverence, dipped his fingers and crossed himself, as he had seen his tutor do. When his mother expressed surprise he said, "Mamma, that does me no harm, and shows respect to other's opinions."

And the curiosities the boy gathered all through that memorable winter, the happy three meanwhile little dreaming that it was their last together on this earth—with what yearning interest the mother later turned them over, every article, great or small, wrapped as it was in so many tender memories. Yet, in the practical remembrance of her darling, and his every wish, her devoted love finds some solace in cataloguing and caring for his museum, and making additions thereto by the purchase from time to time of such articles as he would have fancied. Taking the matter up where he left it off, she pursues it in the same spirit; for he used to say, "Mamma, I am not doing this for my own benefit, but for other boys who are not able to visit foreign countries and see for themselves."

How became Mrs Stanford so interested in kindergartens? In this way: There came to her one day in San Francisco a young girl asking assistance to open a kindergarten. Not taking special interest in this species of incipient education, Mrs Stanford did not encourage her. But the girl persevered. So when one day she said, "Madam, I lack so much of being able to open my school," Mrs Stanford replied, "Very well, raise what you can, and whatever you fall short I will make up." The result was $50 a month for the support of the cause.

While they were in Europe, the young teacher would write letters regarding the progress of her school to Mrs Stanford, who at first merely glanced at them, other matters of greater importance occupying her attention. But presently they all became more interested in these letters. Leland would come and look over his mother's shoulder as they read them; and on one such occasion when she remarked to him, "I must read this to papa," he said, "Mamma, don't you think that is a very good work you are doing?" And always after that whenever a letter came from this young person, he would say, "Mamma, read it." On their return to San Francisco the teacher called and asked her patron to visit the school. Leland accompanied his mother, and when they came out he said: "Mamma, I am very proud of that school." "Why, Leland, is that so?" "Yes," he replied, "it is so much better to spend money that way than foolishly."

He liked to feel that he could work and earn money like other boys, and his parents would rather encourage the idea, and take pleasure in paying him. When in the California street house in San Francisco he said to his mother, "Why not let me keep the grounds in order? I will do it for twenty-five cents a day." "You can do it if you like," his mother said. Sometimes she would borrow of him, but always at the end of the month he would show her his account-book, which he carefully kept, saying, "Mamma, do you see where my money has gone?"

Most of his money he put into his museum; but he had $1,000 laid away in the bank, and this he used to speak of occasionally during his illness, and of what his curios had cost. When it seemed possible to his mother that he might not recover, she thought to learn from him, without causing alarm, what he would like done with this money. So she spoke to him in her ordinary cheerful voice, though fierce sorrow and pain were tearing her heart in pieces, "Leland, you know about that thousand dollars?" He understood her and said, "Well, never mind that now; some day it may feed the hungry or clothe the poor." "It shows his nature," remarked his mother. "In looking back it seems as if we did not know the treasure we possessed. Think what a work he did with us!"

We have seen how at Athens, just before he was taken ill, he met Professor Schliemann, who took a great fancy to him, being surprised to see a boy with such a strong and intelligent interest in the study of antiquities. It seemed a pleasure to the professor to show and explain to him and to present him choice pieces as additions to his collection. One day he came home in some excitement, and exclaimed, "Mamma, Professor Schliemann has told me where there are two choice statuettes; they date back 400 years before the time of Christ. I wish papa would go and see them."

"Do you know how much they cost?" his mother asked.

"Eight hundred dollars," was the reply.

"I am afraid papa will think it very foolish," said his mother. Nevertheless he spoke about it to his father, who answered, "Well, my boy, that is a great deal of money, you know."

By and by his mother inquired: "Where are those statuettes you were speaking of? Suppose you ask papa to go around and look at them." But this he did not wish to do, for if his father said, "No, my boy," that was an end of it. "Well," said his mother, "I will ask papa," and the following day all went to see them, admiring them greatly, while the antiquarian gave their historic interest; but Mr Stanford did not say he would take them. Leland would not say, "Papa, please buy them," but he watched his father intently to see what he would do, for his heart was set on them.

When they all came out his mother said, "Well, papa did not take them." "No," Leland replied, "but it is all right." Then Mr Stanford said, "My boy, $800 is a good deal of money to pay for two statuettes like those. But I will tell you what I will do. I will give you $800 to lay out as you choose. If you wish to spend it on the statuettes, all right; but if you prefer to keep it until we go to Paris and see other things, you can do so." Presently his father gave him a bill for the amount, and Leland put it in his pocket.

In the afternoon, when driving with his mother, she asked him, "Well, Leland, what have you decided to do about it?" Straightening himself up as he turned and looked at her, "Mamma," he said, "I would not lose my father's respect for all the statuettes in Athens. If papa had wanted me to have them he would have bought them." The dignity of the action, the nobleness of the sentiment, struck to the mother's heart, and she burst into tears. "Forgive me, my darling boy," she said, and kissed him, and there the matter rested. But in the evening after Leland had retired, and Mrs Stanford was relating the circumstance to her husband, she again broke down, overcome by maternal pride and tenderness, as she exclaimed, "Mr Stanford, we don't know the boy."

And the note is in the boy's pocket now, just as it was given to him. And the statuettes were purchased and placed in his museum, copies having first been taken lest some accident should befall the originals. And as the father looks at them, and a flood of tender memories comes rushing in upon him, he sighs: "Ah, those statuettes!"

Thus to his parents the boy is not dead—only spiritualized. He is as near to them as when his sweet breath was upon their cheeks, when his dear voice was still tremulous in their ears.

And now came to San Francisco on the 13th of March 1884, the message from the bereaved parents, "Our darling boy went to heaven this morning at half-past seven o'clock." It flew over the city like a wail of woe, filling all hearts with sorrow. That one so gifted, one in whom such hopes were placed, on whom such vast responsibilities might worthily be laid; that he should die so young, just as all the bright anticipations of his parents and friends were budding into promise, was indeed an infliction such as can only be mitigated by the healing touch of time, and by an unshaken trust in the wisdom of an all-wise Providence.

While bearing homeward to its final resting-place at Palo Alto the inanimate form of their beloved, the afflicted parents discussed their plans for turning this fell affliction into a blessing that should tend to the improvement and benefit of the human race. They would build to his memory a monument that would endure forever, and forever enshrine him in the hearts of coming generations. "And thus," says one of the tustees, "was matured this magnificent idea of the Leland Stanford Junior University, endowed as no educational institution was ever before endowed—an institution for the children of the poor equally with those of the rich, where all should stand on a common level and be taught the useful lessons of industry, as well as of science and literature—in a word, the lessons of active, useful life."

But long before their bereavement Mr and Mrs Stanford had been considering how best to confer some enduring benefit on the world, and especially on the state of their adoption. No sooner did the building of the railway become an assured success, and its artificer see that boundless wealth would flow from his efforts, as well as to himself as to others, than there began to formulate in his mind the plan for a public benefaction in some degree commensurate with those high instrumentalities which Providence had so liberally bestowed upon him. What it should be, or how or where established, were points which remained for some time undetermined. Gifts to existing institutions, upon which he would have no opportunity to impress his own mind, or whose destiny he could in no wise influence, would not satisfy him. Unless his positive mental temperament and strong originality might have proper exercise in the bestowal of wealth, the larger part of those pleasing contemplations which should rightly attend great dispensations would be lost.

Various plans were at different times discussed with his friends, and these discussions took various forms until nearly all the methods by which great wealth has ministered to benevolent impulses were brought up and examined. Above all he had no idea of deferring his benefactions for posthumous execution, but would pluralize his philanthropic purposes by adding to the gift of money the value of his clear, practical mind and broad experience.

And of all the various forms of philanthropy which were entertained and discussed,none appeared so to recommend themselves as an educational institution, and one of a character differing from any at present existing. The progressive in humanity is purely intellectual force, notwithstanding that progressional phenomena may be impressed by mind upon matter. To improve the intellect, therefore, is the most civilizing of human efforts. But as civilization is something more than abstract intellectual force, so the most productive processes of education are not those resulting alone in abstract knowledge. This being a material world in a material universe, and man being partly material as well as partly intellectual in his nature and organization, practical education is of all forms of human advancement the most beneficial and the most effectual, Mr Stanford's idea is that all intellectual development should be considered, particularly the general literary branches. He would have present the facilities for a technical education for those who are already well educated in other directions; he would also have Americans instructed in all branches of mechanics, that students may learn how to use their hands, as far as possible, theoretically if not practically, so that every one may have at his command the means of a livelihood. Labor must be made respectable, and idleness a disgrace, and this sentiment must be firmly rooted in the minds of the young of both sexes.

In all the existing systems of instruction were many defects. There was everywhere too wide a separation between the mental and the material, between the theoretical and practical. The theory, therefore, upon which the Leland Stanford Junior University was founded was evolved from the inherent necessity and advantages of self-help. Throughout the whole of his active and useful career the illustrious founder had observed with no small concern the ability of some men to utilize the labor of others, and that some were only fit to be employed by others. Not all could be masters of other men, but so far as possible each should be master of himself. His dominant idea was, therefore, what system of education will best develop those capabilities which every one possesses in a greater or less degree? what system of training will make one most useful to one's self? Women are as much entitled to education and elevation as men; if either is neglected it should not be the former, for if women are educated their children will not grow up in ignorance. For the first six or seven years of a child's life its mind is largely influenced by the mother; hence it is important that the child should have an educated and intelligent mother.

It was Mr Stanford's purpose to have the architecture and rooms all pleasing and appropriate; elegant, if you will, and yet attended by an air of economy; pleasant, but not costly, and no waste; all must be in harmony with the sentiments of the people it is intended to reach—the aggregated sentiments averaged, we might say. He would have an institution for rich and poor alike, where industry and thrift will be conspicuous; where mind, merit and the dignity of labor are placed before the pretensions of money, birth, or fashion.

"I know in a general way," remarks the trustee above referred to, "that it is his purpose, so far as may be possible, to multiply, increase, and broaden the avenues of respectable occupations for women; and it is his desire to inculcate in the rising generation the fact that the poor man is just as good as the rich man; and the fact that a man is poor should not work against him any more than the fact that he wears a thousand dollar diamond stud in his shirt bosom. He is decided in his condemnation of those who band themselves together to prevent the boys learning the trades of their fathers. He is a firm believer in the theory of coöperation and combination of the laboring people; but he believes that every man should have a contingent interest in the business he is working at and helping to carry on. He argues that, if the laboring man has a contingent interest in the business, he is apt to be more useful and more industrious than he would be if he were working for wages simply at a fixed sum per day or month. He believes the whole tendency of education should be toward enlarging the mind and increasing the productive capacity of the individual, and this increased productive capacity will supply the increased wants and tastes of the higher civilization which education naturally produces. The establishment of the university is a means to assist in carrying out this central idea.

"To give an illustration: I was sitting on the porch of the governor's house at Menlo Park one evening when a table of inlaid or mosaic work was brought out. Mrs Stanford had done some deed of kindness to one of the men who works around the premises, and he had conceived a great liking for her, and had spent a year or more in constructing this table for her at odd times, out of all kinds of woods, and brought it to her as a present to show his appreciation. It was a beautiful piece of workmanship, and highly prized by Mrs Stanford as a work of art. But it suggested to the ever-thinking governor a practical idea—it was a work that ladies could do; and he said he was going to have a department in the university where instruction should be given in that kind of work."

Obviously some buildings were necessary for a beginning, but these, for the most part, should be erected only as required. The founder well knew that stone and mortar did not make a university, the primary significance of the term *universitas* being an association of men for purposes political, religious, or commercial; or when associated for the promotion of learning they were a learned *universitas*. But the men always came first, the buildings following. Too often writers on universities start with the assumption that brick walls rather than individuals constitute the institution, and not that the history of a university properly begins at a point where, as an association of students, it has acquired such strength and influence as to make itself felt as an important factor in the body politic. Mr Stanford's idea is that the historians of the coming centuries may trace the growth of this institution in its concrete form down from the germ which is now being planted, just as we of the present time may show how the fellowship of living and learned men, which constitutes the university of the twelfth century, has coalesced into the architectural university of to-day. How different is this present planting from that of the olden time! It is not even known when bands of scholars and teachers began to congregate from the four quarters of the earth at Cambridge and Oxford, all hungry for intellectual food. A thousand years hence no doubts can arise as to the origin, purpose, and progress of the Leland Stanford Junior University.

Something of the university of the middle ages we may still find among our own. In those days a corporation of learned men was formed for the purpose of expounding, no one being allowed to teach without their sanction, which was given in the form of a degree, only after trial of ability by tests in examinations and disputations. The students who gathered at Cambridge in mediæval times were left very much to themselves. As a rule they were eager to learn, but they lived as they could; lodged anywhere; were often homeless; fell into much mischief; got into debt to the jews, the *laissez faire* principle prevailing, and many learning more evil than good. To counteract these baneful influences some worthy people in due time formed a kind of joint stock association, hired a house, calling it a hostel, or hall, and sub-letted the rooms. This enraged the townsmen, who were thus deprived of some of their profits, though the gownsmen were gainers thereby. For centuries a fellow of a college had only a very small study, while two or three other fellows shared his bedroom. The windows were unglazed, walls bare, and the floor of earth or tiles. Sometimes money was given to support priests who were studying theology. It is not even known where the money came from, during this epoch, to erect the first university buildings, which were very crude affairs, no house of any pretensions being constructed prior to the middle of the fourteenth century, and the quadrangles not being completed until a hundred and thirty years after the first stone was laid. For centuries the university of Cambridge was a very poor corporation, without halls, or schools, or library. The commencement exercises were held in the churches of the

Augustinian or Franciscan friars. Money came in slowly ; work on the building was often stopped. It is said that in 1466 the chancellor made a visit to London begging gifts of money for the institution. The several colleges were usually founded by individuals, building being usually but not always begun during the lifetime of the founder.

How different at Palo Alto ! A profusion of wealth at once provides in a most favored climate all the conveniences and comforts of the most advanced civilization. Instead of the barbaric ecclesiasticism and quaint archaisms of the olden time we have, in an atmosphere of intelligent and healthful vitality, all the appliances for study, all the facilities for every kind of research, with professorships of the knowable ; fantastic mysticism and spiritual anomalies, in sombre robes of spurious learning, having given place to clear and logical deductions from the teachings of nature, with all the varied illuminations of science, literature, and art. If from these magnificent beginnings the coming seven centuries bring about changes in the Palo Alto of the future as overwhelming as those produced at Cambridge during the past seven centuries, the most vivid imagination cannot conceive the forms of new life that will then be assumed, and the quality of the alumni then produced.

But the cold concrete fact in this connection was not all. There is a touching and most pathetic side to the story. For while these thoughts were occupying the mind of the father, the same ennobling sentiments were working their way into the heart and mind of the son. He for whom the institution is named had often, during his interesting and happy life, as we have seen, expressed a desire that the vast fortune which some day might be under his control should be employed for the good of his fellow-men, particularly for the well-being of the young men and young women of his beloved California. And although still young in years, he had thought in this connection of an institution of learning, where the youth of the country might, together with enlightenment of the mind, receive enlargement of their physical capabilities, to the end that they should be more useful to themselves and to those around them.

As the devoted parents say in the deed of trust: "Since the idea of establishing an institution of this kind for the benefit of mankind came directly and largely from our son and only child, Leland, and in the belief that had he been spared to advise us as to the disposition of our estate he would have desired the devotion of a large portion thereof for this purpose, we will that, for all time to come, the institution hereby founded shall bear his name, and shall be known as The Leland Stanford Junior University."

But these high aspirations the youth was not spared to realize, and ever since his departure his parents have triumphed over death by consecrating their sorrow to the execution of his desire. With that tenderness of feeling which only parents know they have gone forward in their sacred work, the beloved one in heaven smiling approbation on their efforts. But, aside from the sweet influences which underly this dispensation, we must not forget that Mr. Stanford had always entertained original ideas with regard to the education and training of youth, to the end that the race might improve and happiness be increased. Indeed, there can be no doubt that the son inherited from the father many of his loftiest aspirations.

The first step of the founder toward the establishment and endowment of the university was the preparation by himself of an endowment act, passed by the legislature of California, under which the necessary grant of property might be made for the erection and perpetual maintenance of the institution. The act was in every respect admirably adapted to the object in view, which was to advance learning and promote the public welfare by providing for the conveyance and holding of property, and the creation of trusts for the establishing and maintenance in California of universities, schools, mechanical institutes, museums, and galleries of art. It was approved March 9, 1885. Under its provisions any person may found and endow an institution of learning, science, or art by grant of property to trustees for that purpose, stating therein the nature object and name of the institution, the powers and duties of the trustees, directions for the management of the property, and place and time of erection of buildings. The person making such grant may provide for the trades and professions which shall be taught, and for free scholarships, and he may also provide for his own management of the institution during his life, or, if his wife should survive him, then for her management. Validity of title to any lands so granted cannot be questioned in any court after two years, and the grantors may at any time bequeath the whole property to the state.

On the 11th of November 1885 Leland Stanford and Jane Lathrop Stanford executed a grant for the purpose of founding and endowing upon their estate known as the Palo Alto farm, situated in San Mateo and Santa Clara counties, California, a university for both sexes, to be called The Leland Stanford Junior University, with the schools, seminaries, institutes, and all other requisites appropriate to a university of high degree, naming therein twenty-four trustees, fifteen of whom should constitute a quorum.

The deed of trust, engrossed in a large parchment volume after the olden style, conveyed to the trustees: First, the Gridley farm, situated in Butte county, and consisting of from 19,000 to 21,000 acres of wheat land. Secondly, the Vina farm, consisting of 55,000 acres, in Butte and Tehama counties, with agricultural and horticultural divisions and a comprehensive system of irrigation, 3,575 acres being in vines, 1,500 acres in alfalfa, 3,000 acres in wheat, and

2,500 acres rented on shares. Alternate stretches of field and forest are formed by the separation of this magnificent domain into parks by natural belts of timber running down from the foothills, while under and around the scattering oaks which dot the open landscape are immense herds of livestock, sheep cattle and horses, with dwellings, barns, winery, and all the adjuncts of an agricultural enterprise of such dimensions. Thirdly, the Palo Alto farm, comprising 7,200 acres, and divided into four departments, known as the trotting-horse department, the running-horse department, the farming department, and the house and grounds department, the latter inclosing the family residence and park.

This property, with the appurtenances, was conveyed to the trustees, the principal to remain forever intact, and the issues thereof to be devoted to the foundation and maintenance of the university, with such schools and seminaries as should make it of the highest grade; including mechanical institutes, museums, galleries of art, and laboratories, with all the requisites for the study of agriculture and mechanical training, as well as for the cultivation of the mind, the object being to qualify students for direct usefulness in life, and to promote the public welfare by exercising an influence in behalf of humanity and civilization, teaching the blessings of liberty regulated by law, and inculcating love and reverence for the great principles of government, as derived from the inalienable rights of man to life, liberty, and the pursuit of happiness.

The trustees were empowered to control the institution and property, and receive grants from others; to appoint and remove a president, and to fix the salaries of president, professors, and teachers, so as to secure men of the highest attainments; to use the rents only, and never impair the principal, in the execution of their trust; to make the educational system fit the graduate for some useful pursuit, and to this end to cause the pupil, as early as may be, to declare the calling in life he may desire to pursue, such declaration, however, not being binding if, in the judgment of the president the student is not fitted by nature for the pursuit declared; to prohibit sectarian instruction, but to have taught the immortality of the soul, the existence of an all-wise and benevolent Creator, and that obedience to his laws is the highest duty of man; to have taught the rights and advantages of association and coöperation; to afford equal facilities for education to both sexes; to maintain on the Palo Alto estate a farm for instruction in agriculture in all its branches; to bestow upon the president the power of prescribing the course of study and method of teaching, as well as the duties of professors and teachers, and to remove them at will; to constitute the president and professors the faculty, and prescribe their duties as such; and, finally, to report proceedings and financial affairs annually to the governor of California.

Within two years the trustees should lay off a site on the Palo Alto farm, and adopt a plan for the buildings, which should be plain, but extensive enough to fill all requirements, and erected only as required, the trustees bearing in mind that elaborate buildings do not make a university, but rather the character and attainments of the faculty. They should lay off also sites and erect buildings for the officers and servants of the institution, and dwellings for lease to parents or guardians, and a church. They should also set aside and improve ten acres as a place of burial and of last rest on earth for the bodies of the grantors, and of their son, Leland Stanford junior, and, as the board should direct, for the bodies of other persons connected with the university.

The trustees should establish free scholarships, such as the endowment of the institution would justify, the same to be given to those who by good conduct and study earn the right thereto, or to the deserving children of those who, dying without means in the service of the state or in the cause of humanity, have a special claim upon the good-will of mankind. They should fix the terms upon which students may be admitted, and establish courses of lectures on government, law, medicine, and mechanics, and they could become the custodians of minors.

The grantors then elected to control the property and the execution of the trust during their lives, or the life of either, the duties and powers of the trust devolving on the trustees only at their death, reserving moreover the right to alter, amend, or modify the conditions of the grant in certain respects. The grantors also reserved to themselves the right to absolute dominion over the property, and rents therefrom, during their lives, as fully as if the trust had not been made, except to sell or encumber the real property granted.

Such are the principal provisions of this memorable grant. After its execution, which took place at the residence of the grantors in San Francisco, Mr Stanford arose and addressed the trustees as follows: "Gentlemen: In the trust deed providing for the endowment and organization of the university the nature, objects, and purposes of the endowment are very generally stated. We deem it appropriate, however, to enlarge somewhat upon what is therein set forth. The reasons that impelled us to select the Palo Alto estate as the location for the university are its personal associations, which are most dear to us, the excellence of its climate, and its accessibility. The deed of trust conveys, and at once irrevocably vests in you, the title to all the real property described therein. The endowment of lands is made because they are, in themselves, of great value, and their proper management will insure to the university an income much greater than would be realized were their value to be invested in any reliable, interest-bearing security. Again, they can never be alienated, and will, therefore, be an unfailing support to the institution which they are designed to benefit.

"As a further assurance that the endowment will be ample to establish and maintain a university of the highest grade we have, by last will and testament, devised to you and your successors additional property. We have done this as a security against the uncertainties of life, and in the hope that during our lives the full endowment may go to you. With this in view, we have provided in this grant that you may take such other property as we may give to more fully carry out the objects of this trust.

"The Palo Alto farm furnishes a sufficiently diversified soil, with a topography which admirably fits it as a place for agricultural education. In time, also, a handsome income will be derived from the rental of desirable residences to parents and others, who will choose the place as a residence on account of its social, intellectual, and climatic advantages. Of course, the trustees will see to it that no objectionable people are allowed to reside upon the estate, and that no drinking-saloons shall ever be opened upon any part of the premises.

"It should be the aim of the institution to entertain and inculcate broad and general ideas of progress, and of the capacity of mankind for advancement in civilization. It is clear that, to insure the steady advancement of civilization, great care must be exercised in the matter of the general development of the great body of the people. They need education in the fundamental principles of government, and we know of no text so plain and so suggestive as that clause in our declaration of independence which declares that among the inalienable rights of man are life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. A government founded on such principles commands for the support and protection of individual rights the force of the whole people. With these principles fully recognized, agrarianism and communism can have only an ephemeral existence.

"The merely physical wants of civilized man are not much greater than those of the savage, but his intellectual wants are bounded only by his capacity to conceive. His wants, therefore, will always depend upon his advancement in civilization, and the demand for labor will be measured accordingly. The rapidity of the communication of modern thought and the facilities of transportation make the civilized world one great neighborhood, in whose markets all producers meet in competition. The relative compensation to the producer must depend upon his powers of production.

"When we consider the endless variety of the wants and the desires of civilized society, we must fully appreciate the value of labor-aiding machinery, and the necessity for having this of the best character. Too much attention, therefore, cannot be given to technical and mechanical instruction, to the end that from our institution may go out educators in every field of production.

"Out of these suggestions grows the consideration of the great advantages, especially to the laboring man, of coöperation, by which each individual has the benefit of the intellectual and physical forces of his associates. It is by the intelligent application of these principles that there will be found the greatest lever to elevate the mass of humanity, and laws should be formed to protect and develop coöperative associations. Laws with this object in view will furnish to the poor man complete protection against the monopoly of the rich; and such laws, properly administered and availed of, will insure to the workers of the country the full fruits of their industry and enterprise. They will accomplish all that is sought to be secured by the labor leagues, trades unions, and other federations of workmen, and will be free from the objection of attempting to take the unauthorized or wrongful control of the property, capital, or time of others.

"Hence it is that we have provided for thorough instruction in the principles of coöperation. We would have it early instilled into the student's mind that no greater blow can be struck at labor than that which makes its products insecure.

"While the articles of endowment prohibit sectarianism, they direct that there shall be taught that there is an all-wise, benevolent God, and that the soul is immortal. It seems to us that the welfare of man on earth depends on the belief in immortality, and that the advantages of every good act, and the disadvantages of every evil one, follow man from this life into the next, there attaching to him as certainly as individuality is maintained. As to the manner in which this shall be taught, and whence the confirmations shall be derived, we are not prepared to advance any thought other than that which may be sought from every available source that tends to throw light upon the subject.

"While it is our desire that there shall be no sectarian teaching in this institution, it is very far from our thoughts to exclude divine service. We have provided that a suitable building be erected wherein the professors of the various religious denominations shall, from time to time, be invited to discourses not sectarian in character.

"We deem it of the first importance that the education of both sexes shall be equally full and complete, varied only as nature dictates. The rights of one sex, political and otherwise, are the same as those of the other sex; and this equality of rights ought to be fully recognized. We have sought to place the free scholarships upon the basis of right to the student. We think this is important, in order that his dignity and self-respect shall be maintained, and that he may understand that, in his political relations, he is entitled to nothing he does not learn. With respect to the expenses of the students of the university, we desire that the trustees shall fix them as low as possible.

"The articles of endowment are intended to be in the nature of a constitution for the government and guidance of the board of trustees, in a general manner, not in detail. We hope that this institution will endure through long ages. Provisions regarding details of management, however wise they may be at present, might prove to be mischievous under conditions which may arise in the future.

"In the deed of trust we have designated the purposes of this university. The object is not alone to give the student a technical education, fitting him for a successful business life, but it is also to instil into his mind an appreciation of the blessings of this government, a reverence for its institutions, and a love for God and humanity, to the end that he may go forth and by precept and example spread the great truths, by the light of which his fellow-men will be elevated and taught how to attain happiness in this world and in the life eternal.

"We do not expect to establish a university and fill it with students at once. It must be the growth of time and experience. Our idea is that in the first instance we shall require the establishment of colleges for both sexes; then of primary schools, as they may be needed, and out of all these will grow the great central institution for more advanced study.

"We have fixed the number of trustees at twenty-four, that the institution may have the strength which comes from numbers. There is little danger of divided counsels, for the educational department will be under the control of the president of the university, who will have and exercise all the power necessary to make him responsible for its successful management. In order that he may have the assistance of a competent staff of professors, we have provided that the best talent obtainable shall be procured, and that liberal compensation shall always be offered.

"We are impressed with the deep responsibilities of this undertaking, and invoke at all times your aid and the divine help and blessing. During our lives we hope that we shall be compelled to make little draft upon the time of you, gentlemen, members of the board of trustees of the Leland Stanford Junior University; yet we trust that you will be ever ready to assist us with your counsel."

During the entire proceedings, which lasted little more than an hour, Mr Stanford displayed an utter unconsciousness of doing anything more than a simple and pleasing act of philanthropy. He was less impressed with the magnitude of the deed than any one present, and gave his property away in so simple and unostentatious a manner that his self-renunciation was noticed by all. He intimated, during some informal conversation, that his own and his wife's will had been made, and that in case of their early death, they had left many large additional bequests to carry out the plans respecting the university. It may be well to quote here the following from the San Francisco *Post*, which conveys a clear idea of Mr Stanford's intentions relative to the university, and of the nature and value of the property conveyed.

"The act by which Senator Stanford so grandly endowed the Palo Alto institute of learning will, in the years to come, rank as one of the great events in the history of the state of California, and for that matter of the United States. Since the death of his only child, Leland Stanford, Jr., it has been the sole aim of the senator's life to found an institution of learning in this state which should be equal to all, and, if possible, excel the best colleges in the world. To this end he draughted and secured the enactment last winter of a law for the protection of all endowments that may be made in the future for educational institutions in California. Since that time his attention has been largely paid to the perfection of his plans for the founding of the great educational centre. By the deed of trust, which he placed in the hands of the trustees of the institute, he conveys for the lasting benefit of the institution 83,200 acres of land, comprising the most valuable estates in California, the products of which will go toward the fulfilment of his wishes. And at the same time, to guard against any possibility of failure of the plan by death or other unexpected events, Senator and Mrs Stanford have made their wills, by which they provide for further vast endowments of the institution, which it is said will afford a greater income than can ever be utilized. This, however, is but a temporary expedient for the purpose of safety. For they hope to be able to put their property in such shape that the whole endowment can be turned over to the trustees during their lives, and that they may live to devote their whole time and attention to the completion and realization of their great project.

"Those who are acquainted with the history of Senator Stanford know that he never does a thing by halves; yet the public can but be surprised when they learn of the wonderful work he has undertaken, and the vast scope to be covered by this Palo Alto institution. It is his intention to make it a fount of learning that will satisfy the cravings of all classes for knowledge, from the common mechanical trades to the highest branches of art, science, and mechanics—in fact, an educational centre that will obviate the necessity which now compels the ambitious students of this country to go to Europe to complete their education.

"There will be no branch of the arts, sciences, or mechanics that will not be taught in Palo Alto, and to these educational advantages male and female will be equally entitled. The institution, by the munificent salaries it will be able to pay, will draw to its force of educators the most famous and talented professors of the globe ; and the splendid climate of the section of country in which Palo Alto is situated will in no small degree tend to induce the great professors of the east and Europe to accept chairs in its departments. The youth of California, and America as well, can now look forward to the time in the near future when the doors of a free institution will be thrown open to them, wherein the highest standard of excellence in technical learning known to our civilization may be attained. The departments will include a college of medicine, which it will be the aim of Senator Stanford to make the greatest in this country, and to the conduct of which, if possible, will be called such men as Jenner of London, and Brown-Sequard of Paris, whose lectures the best physicians of America may attend with profit. There will be a college of law, presided over by the ablest masters of the law to be obtained ; a department wherein will be taught all the sciences and higher mathematics ; a school of arts, in which, under the ablest professors, such as now draw students from all parts of the civilized world to Munich ; thorough instruction will be given in painting, sculpture, drawing, design, etc.

"A grand conservatory of music, under the direction of the most famous masters of Italy and Europe, which will afford the best musical education to be had in the world, will be one of the particular features of this institute of technics. There will also be a school of mechanics, which will turn out all grades in this class, from the common artisan to the scientific engineer and master machinist, and include instruction in all grades of scientific draughting and architecture. One of the important branches of the institution will be a school of agriculture, to which will be attached a farm, the soil and climate of which will produce any of the agricultural or horticultural products of the temperate or semi-tropic zones. Among the valuable adjuncts of the institution are to be a splendid museum and libraries, containing the best works pertaining to the various departments of learning. And this is not all. When the time comes, as it eventually will, that Palo Alto becomes an educational centre, around which will be built a town, the intention of Senator Stanford is to erect buildings for preparatory schools, in order that people residing there may have facilities for educating their younger children up to the standard at which pupils will be admitted to the higher courses.

"The deed of trust carefully provides against expenditure of money on buildings that may be useless as universities, the projector believing that the faculty is the element to be most considered. Senator Stanford's idea is to have the buildings erected in the form of a parallelogram, and it is intended that two colleges shall be built at first—one for males and the other for females.

"These colleges, and all other buildings, will be constructed on a plan admitting of expansion and additions whenever necessary. He has also provided for selecting a site at Palo Alto upon which are to be erected buildings for the accommodation of parents and guardians of children, and such other persons as trustees may permit to reside there. These buildings will be rented at a fair rental, the proceeds to go to the fund for the support of the university. Following the erection of the first two colleges will be the building of institutions in which will be given the higher course of education. These colleges will be provided with ample lecture rooms; and a provision of the deed of trust requires the trustees to pay the highest salaries for instructors of any institution of the kind in the world. This higher course will be free to post-graduates of all colleges and universities, and to such other deserving persons as the trustees may elect to admit. Free scholarships will be established in the colleges of the university, which are to be given to deserving pupils of the public schools, or to the children of those who have died without means, in the service of the state or the cause of humanity. The trustees will deal with the property chiefly. They will elect the president of the university and appoint the professors and teachers, but the president will have charge of the course of study, as to what it shall include, and he will also have the power to discharge any teacher or professor at any time, thereby making him directly responsible to the trustees for the educational management of the institution. It is the senator's idea to make the president absolute, with the other members of the faculty as his staff, believing that responsibility and power belong together. At a certain stage of his progress each student will be required to select the pursuit he is to follow through life, and if the selection is approved by the president as practicable the pupil will be afforded every possible advantage to perfect himself or herself in the chosen calling.

"Palo Alto is so near San Francisco and the university at Berkeley, that when the Southern Pacific railroad is built along the bay shore the run can be made from this city to Palo Alto in forty minutes without using any more power than is required at present, and the time will be eventually made much shorter. Low rates of fare will be given, for the purpose of encouraging attendance at the institution; and this will make Palo Alto a very desirable place of residence for people who have children to educate and who do business in this city. On the other hand, it will afford facilities for the children of people who reside here to attend the university and still live at home; and the same may be said of those persons who may desire to take the higher courses of study. With this incentive to settlement there, it will be but a short time ere Palo Alto will become in reality a suburb of San Francisco.

"During their lives the university will be under the control of Senator and Mrs Stanford, as they are named as trustees, but the grant provides that they cannot sell or encumber the property in any way, and that it is devised forever. It was for this reason that Senator Stanford felt averse to going to the United States senate, desiring to devote the remainder of his life exclusively to the institution he has founded, and to give it his care and the direction which he thinks it ought to have; but the senatorship came to him in such a manner that he felt he was not free to decline. Now that he has dedicated himself and a large portion of his property to the use of the state, his methods as a senator will never be misunderstood, and he ought to be able to do a great deal for the state, of which for nearly a third of a century he has been a part."

After appointing trustees, Mr Stanford began to instruct them in what he desired carried out, and the ways and means which in his judgment would best accomplish the purpose. As to the character and purposes of the university, he thus fully explains: "It has been my aim to found an institution of learning which will more nearly conform to the progressive spirit of the age, and more nearly subserve the necessities of modern civilization, than the universities which retain the rudimentary remains of the original university ideal. The higher education of the past has consisted in the mastery of that knowledge which belonged to the ancients, or, more properly, the classical period. Until within very modern times, what has been known as the learning of the world was locked up in the dead languages. Until within a comparatively recent period in the history of education scholarship consisted in familiarity with Aristotle. The basis of all learning was in what is known as philosophy among the Greeks. Hence education began only after the acquirement of the languages in which the learning of the past was entombed. The arts, law, medicine, natural sciences are subjects of modern introduction, and these the student usually acquires disassociated with all experimental knowledge, and hence the acquirement is not evolutionary, or that which comes from learning, after the necessity for knowledge is experienced, but learning with perception as to the practical value of the knowledge which is being acquired. Thus a strong contrast was produced between the results of apprenticeship and the practical utility of scholarship. The greatest naval commanders were not produced by the academies in which nautical science and the art of naval warfare are taught, but by actual observation and experience upon the seas. The best lawyers and the most profound jurists owe their eminence less to the schools in which they were taught than to the self-teaching resulting from practice at the bar, or experience on the bench. The great astronomers acquired their knowledge from the observation of the heavens rather than instructions illustrated with an orrery. Sir Isaac Newton, Agassiz, Huxley, Tyndall, achieved their eminence in the world of science by original observation, and the foundation of their acquirement was in apprenticeship rather than in the academy.

"All educational schemes will fail in their accomplishment of good to men which have not for their great leading object the formation of high moral character and right purposes in life. With right purposes and worthy ambitions there arises in the mind strong desire, and for the gratification of this desire effort will be put forth, and the advantages of knowledge for the accomplishment of purposes will make its acquirement easy. Civilization is simply the perception of new wants in the mind of man. Primarily the earth is the inexhaustible source from which all the wants of man may be satisfied. Education expands the mind and augments the perceptions. Unless, therefore, it confers upon the educated additional capacity for the gratification of the wants which may be perceived, or which by the expansion of the mind may come into being, it fails in the accomplishment of its greatest purpose. The earth being the inexhaustible source from which all wants may be supplied, it will yield up its treasures of supply only as intelligence is brought to bear upon production. Man's wants are limited only by his capacity to perceive them; and, with the advancement of the complex wants of civilization, the luxury of the past becomes the penury of the present. The most distinctive point of departure from barbarous toward civilized life is that at which man supplements his hands by implements. Civilization would never have advanced beyond the point of its rudest stages but for the supplemental aid afforded by the hand of man by implements. First, implements of the chase. These gave way to those used in the peaceful pursuits of agriculture. Man's wants were also expanded by his capacity to gratify them. Thus, with the introduction of the implements of agriculture, the subsistence of physical life became easy.

"To the bare necessities of physical existence there were added embellishments, ornamentation, and this marks the dawn of the æsthetic in life. But the æsthetic faculty in man appears to be dominant in the savage; at least it has no manifestation until after the problem of a mere subsistence has been fully mastered. With the mastery of that problem the higher wants appear to have birth. The Indians of our western plains seem to desire no more comfortable or elegant habitation than a circle made of sagebrush; slightly higher manifestation of comfort is found in the rude tent made of skins. The Indian feels the want of this tent, and puts forth the effort necessary for the gratification of this desire. He subsists by the chase, and displays no more energy in procuring his subsistence than the immediate gratification of his physical wants draws forth.

"Our vast national domain, dotted over with villages and cities, strewn everywhere with elegant and comfortable mansions, beautified with the accessories of refinement, furnished with books and musical instruments, gridironed with railways, netted all over with electric wire—in short, showing forth all the exaltation and embellishment of a high state of a civilized life—was exactly the same country, possessing the same natural resources, as when inhabited by the aboriginal savages found in occupancy by the first discoverers. Our physical country has yielded to man all these accessories of physical comfort, æsthetic refinement, artistic taste, intellectual advancement, and spiritual development. It has yielded up these things to man in obedience to his perception of diversified wants, the gratification of which has been made possible by his intelligence and inventive genius. All these embellishments of civilized life are the product of labor.

" Divest men of the capacity of production, due to having supplemented his hand by implements extending into the wide range of labor-aiding machinery, and all these accompaniments of civilized life would disappear. Each individual is using and consuming, in civilized life, the results of a vast labor, an amount of productive energy, in fact, to which the unaided hand of man would be wholly unequal. With the solution of the primitive problem of existence the next higher step may be taken; then æsthetic taste supervenes, upon the gratification of physical want. Intellectual desires follow the refinement of taste, and spiritual life and contemplation bloom as a flower upon a physical and intellectual stalk. Wealth is the accumulation of labor. The greatest wealth of a nation resides in the productive capacity of its people. Thus the highest civilization will accompany the greatest productive capacity. The inventiue genius of man has urged society on to higher planes of advancement. In fact, it is to the inventive genius that the highest results of civilization are due, and especially that crowning glory of social achievement, the more equal distribution of wealth. As the instrument with which man supplemented his hand has grown into labor-aiding machinery the creation of wealth has become easy, and in proportion as the creation of wealth is facilitated, in that proportion all the higher possibilities of man reach the possibility of gratification, hence come into being. Labor-aiding machinery is, therefore, the great promoter of civilized existence in all its attributes, whether on the basis of physical comforts, elegance of surroundings, or upon the field of intellectual achievements, scholastic eminence, or spiritual development.

"With the progress men have made in devising labor-aiding machinery the blessings of plenty and the comforts of ease have been extended, until to-day the condition of the common life would have been esteemed one of luxury in past ages. In the recent past the necessaries of life were classified as food sufficient to maintain physical existence, raiment adequate to protect the nakedness of men from the inclemency of the elements, and shelter, however rude or humble, the progress of civilization being a process of perception in the direction of new wants, the acquirement of higher wants. These wants of the æsthetic, the intellectual and the spiritual nature, are the actual necessities of civilized existence. The demands of man's intellectual nature are equally imperative with those of his physical nature. Civilized man can no more endure intellectual and spiritual than physical starvation. The rude life of the barbarian, with its absence of all gratification for the higher faculties of man, which come into being by the expansion of the mind into civilized augmentation, would be a condition of famine to the higher nature, when once man has become conscious of that nature. The state or degree of civilized existence will, therefore, bear a fixed ratio to the productive capacity.

"Labor-aiding invention is a source of wealth, because it cheapens production. If between man and the acquirement of his necessities the obstacle of great labor supervenes, then the achievement of his desire is at the highest cost of effort. If labor-aiding invention reduces this effort, then the things desired are easy of attainment, and the very economy of their production becomes a wealth of capacity. Thus each individual is augmented, because his capacity to acquire is supplemented. Moreover, when a single article in the list of man's necessities, which are on his physical or intellectual plane, has been cheapened by the facilities of its production, the purchasing power of all other articles, when they seek to be exchanged for that which has been cheapened, has been greatly enhanced. When McCormick invented his reaper he initiated a line of invention which has constantly cheapened the production of breadstuffs.

"Correspondingly every other result of handicraft possesses a greater purchasing power when labor in each particular form is exchanged for breadstuffs. If to supply the whole range of civilized necessities human activity be divided into a thousand fields called trades, occupations, or professions, embracing the work of the artist, the sculptor, the writer; and if to one of these departments of human activity a highly productive labor-aiding device is brought to its aid, and the product, which is the special office of that field of industry, is thereby cheapened, the relative value of the products belonging to the other nine hundred and ninety-nine fields is correspondingly enhanced. Thns the purchasing power of the products of agriculture is greatly augmented by the application of machinery in the production of wearing apparel. In its national aspect this augmentation of productive capacity is acquiring with the lapse of every year higher importance. Here in America we are attempting to achieve fiscal systems which will enable us to pay the highest rate of wages paid anywhere in the world, and at the same time compete in the markets of the world in the price of our products. The intimacy of communication between different parts of the world has established a new relation of countries to each other, and out of that new relation, of necessity, a new science of political economy. We have accorded the right of universal franchise.

"We have maintained, far beyond its experimental stages, a form of government in which the individual is an integral part of its sovereignty. We have vouchsafed, even guaranteed, by our public shool system, universal education. Upon every citizen, therefore, we have conferred the dignity of sovereignty, and the grace and refinement of intellectual cultivation. In a country so governed we have achieved that which must naturally be expected, the broadest distribution of civilized attributes among our people, and the most complete equalization of those attributes. The printing press and the public journal are the great distributors of thought, the equalizers of intellectual capacity. Man's character is ennobled by placing upon it responsibilities; his nature is enriched by the conferment of dignities; his wants are expanded and diversified by the increase of intelligence to perceive new wants.

"To sustain this enlargement of civilized existence in each individual citizen of a great nation like ours, a higher wage-earning must be conceded, and yet we cannot depend wholly upon artificial governmental device for the maintenance of high wages. The best production a nation can have for the wage-rate of its people is a superior productive capacity, coupled with superiority of industry, energy, enterprise, and moral purpose. A nation superior in these attributes has nothing to fear from inferiority.

"The basis therefore of a high civilization is the productive capacity of the people; hence it is the first and highest office of educational systems to make familiar the laws of success. Intelligence is indispensable to a high degree of success in any calling. Intelligence, when applied to horticulture, performs in that interesting department of human industry the counterpart of that performed by labor-aiding machinery in mechanics. Intelligence in the cultivation of fields is to the cultivator what the cotton-gin was to the production of cotton, what the inventions of Arkwright were to the production of textile fabrics. The individual capacity in any department of human endeavor is multiplied a hundred-fold by intelligence. Education should, therefore, come to the aid of every occupation and calling.

"The orchard, the vineyard, the garden, cultivated fields, the husbandry of domestic animals, the factory, and the workshop should be the objective departments into which the students of our colleges and universities should graduate, equally with the bench, the bar, the studio, or the pulpit. The fundamental error of the world appears to have been the conception that lack of mental training, or in short ignorance, may become intrusted with the direction of the world's greatest departments of productive activity, and that education belongs alone to the learned professions. It will be the aim of the university to demonstrate the value of trained perception, augmented understanding, enlarged intellectual capacity, elevated character and moral purpose, in the fields and factories, equal to the value of these high attributes in those callings which relate to intellectual and spiritual beings. In short, mind possesses a mastery over matter; therefore education, as preparatory to any calling, is of the highest value.

"A mechanical department will be one of the features of the university. Inventive genius will be enlarged and educated. This university ideal differs from that which is obtained in other and measurably similar institutions in but one particular. The university ideal of the past has been the acquirement of theoretical knowledge. The university I have in contemplation joins the theoretical to the practical, thus preserving the balance in the development of the mind between the knowledge of natural law and the actual application of these laws as a means of success in any calling.

"It will be the aim of the university to become the seat of all useful learning, the repository of discovery in every branch of useful industry. Muscular development may be achieved in the gymnasium, and yet the hand remain untrained to any skill of handicraft; and so mind may be evolved by educational processes, but divorced from any faculty of the application of its varied powers when confronted by the problems of civilized life.

"The university will recognize this important fact, and will aim to mould in the mind of its students an inseparable union in the evolution of theoretical and practical knowledge. To repeat what has already been said, it will seek to teach the law of success in every calling. To my mind there is nothing Utopian in this design. Observation has convinced me that a very large class of educated men, who, when they enter the practical walks of life, are regarded by the graduates from apprenticeship as impracticables, have been unfortunate only in the one respect of having been trained in schools located so remotely from the fields and workshops into which they should have been graduated, as the next most natural and nearest step. Education should bring men by the most logical gradations into the callings they are to pursue in life. To do this is the underlying thought of the university. Beyond all this, however, the acquirements of character and moral purpose are the great essentials of success. Some degree of personal success may be achieved without them, but it has been the most earnest purpose of all my thoughts in this direction to elevate the character of citizenship—and to my mind the most scholarly attainments are those which produce capacities for outward prosperity with inward dignity, purity, and grace.

"It has also been a part of my earnest purpose to make the university a conservator of right theories of government. That theory of government which contemplates man as merely the slave of society, necessarily converts the will of the majority into an absolutism. There is no difference between the maxim that the majority can do no wrong and that the king can do no wrong. There is no distinction between the brute force of mere numerical superiority and the usurpation of an aristocracy. To my mind the highest conception of government is that which recognizes in each individual citizen the possession of certain natural and inalienable rights; rights sacred from the invasion of the will of the majorities; rights which inhere in man as an endowment of his creator, and which governments, however constituted, do not possess the right to invade. In becoming a member of society it must be conceded that man must surrender that degree of absolute freedom consistent with the good of the body politic, but even after conceding this there remains inalienable rights growing out of the nature of man and his responsibilities, with which the individual has not invested government with the right of interference or abridgment. So far from having the right to invade or destroy these inalienable rights, it is the primary object of government to preserve them.

"Our great charter of liberty has proclaimed these rights in unmistakable terms as those of 'life, liberty and the pursuit of happiness.' This is a declaration that each man has a right to himself, to the result of his toil, to the product of the labor of his hands, to the love of those endeared to him, to the acquirement of wealth, honorable distinction, the gratification of laudable ambition, and to the attainment of elevated character. The endowment of these inalienable rights forms the boundaries of life and liberty, into which governmental prerogative may not enter. To encroach upon them would be an invasion of natural right. To concede that they have been alienated, that the right of govermental interference with individual liberty is without bound, is to invest a government, whatever its form, with the prerogatives of tyranny.

"In its early traditions our own government recognized these principles. The profound enunciations of the declaration of independence were better understood and more revered. The contract between the government here established, and the usurpations against which it was a sublime protest, was more nearly present in the minds of those contemporaneous with its foundation. The doctrine that all just government is based upon the consent of the governed operates limitations by the realm of governmental prerogative. It discloses to us the idea of government as the result of a compact between individuals, sovereign of themselves, investing the government called into being by that consent with governmental jurisdiction over all social relation, but preserving to each and every integral portion of that aggregated sovereignty the dignity of inalienable right, reserved to the individual, not surrendered to the government. It has been one of the most profound purposes of my mind in founding the university to promote the acceptance of these great doctrines of government among men.

"Third, and in general, a leading feature lying at the foundation of the university relates to the coöperation of labor. The wealth-producing power of each individual is discounted when he labors for another. Those who by their enterprise furnish employment for others perform a very great and indispensable office in our systems of industry, as now organized, but self-employment should be the aim of every one. No mind, however fertile in resource, or however imbued with benevolent thought, can devise a system more replete with promise of good to men than the coöperation into effective relation of the labor of those who work with their hands. This coöperative principle as applied to capital has been signally successful wherever it has been adopted. Coöperations are convenient forms of partnership, but under their best analysis they mean the coöperation of capital. The greater the magnitude of this coöperation the more advantageous the relation.

"Men have perceived this and have characterized it as the power of capital. It has been said that a single dollar in private ownership has not the power of any single dollar in coöperative relation with large accumulations with capital—or to state this in another form, each dollar of a million, under a single ownership, possesses as many times the power a single dollar would possess in private ownership. This is simply another form of declaring the value of coöperation. It is the coöperative relation of capital which gives it its power, and the illustration is full of significance to the laboring classes. The labor of a single individual possesses but a small part of the wealth-producing capacity which would inure to it if it were associated with the labor of a hundred individuals into coöperative relation under intelligent direction. The non-capitalist classes have perceived the introactive value of each dollar when large sums are aggregated into active capital. They should clearly perceive the significance of this fact to be a vindication of the value of coöperative effort.

"There is no undertaking, however great, which may not be undertaken if labor sufficient for its accomplishment is brought into coöperative relation, particularly if that relation be actively organized and under wise and judicious direction. Capital being the product of labor, I think I have already said the aggregation of labor is the exact equivalent of capital. The productive capacity in an individual is his capital. The skill in handicraft or educated perceptions and faculties augment the worth of men in a financial aspect. The individual who can earn $5.00 per day by reason of his intelligence or skill is worth more by the processes of capitalization than the individual who can earn but one-half or one-fifth of that sum. Therefore, aggregate a large number of individuals who possess that species of capital which for convenience we have called wealth-producing capacity, and we have at once aggregated wealth and associated capital, for such aggregation could command the necessary capital; and since all wealth is the product of labor, the possession of a labor capacity is equal to the accomplishment of the most gigantic enterprise. To a superficial consideration of the subject capital seems to possess an advantage over labor; but the conclusions from such superficial observation are erroneous. Produce in the minds of the laboring classes the same facility for combining their labor that exists in the minds of capitalists, and labor would become entirely independent of faculty. It would sustain to capital a relation of perfect independence. The raw material to which skilled labor is added in the manufacture of wares is of itself a product of labor. Suppose there is coöperation in the product of the raw material, then one coöperative relation would strengthen another, and there would be a perfect interdependence, and at the same time a perfect independence of capital. In a condition of society and under an industrial organization which places labor completely at the mercy of capital, the accumulations of capital will necessarily be rapid, and an unequal distribution of wealth is at once to be observed.

"This tendency would be carried to the utmost extreme, until eventually the largest accumulations of capital would not only subordinate labor but would override smaller aggregations. The one remedy for this tendency, which to all appearances has been ineradicable from industrial system, is the coöperation and intelligent direction of labor. That this remedy has not been seized upon and adopted by the masses of laboring men is due wholly to the inadequacy of educational systems. Great social principles and social forces are availed of by men only after an intelligent perception of their value. It will be the aim of the university to educate those who come within its atmosphere in the direction of coöperation. Many experiments in this direction have been made, and whatever of failure has attended them has been due to imperfection of educated faculties.

"The operation of the coöperative principle in the performance of the labor of the world requires an educated perception of its value, the special formation of character adapted to such new relation, and the acquirement of that degree of intelligence which confers upon individual character and adaptability to this relation. It will be the leading aim of the university to form the character and the perception of its industrial students into that fitness wherein associated effort will be the natural and pleasurable result of their industrial career.

"We have then the three great leading objects of the university—first, education, with the object of enhancing the productive capacity of men equally with their intellectual culture; second, the conservation of the great doctrines of inalienable right in the citizen as the corner-stone of just government; third, the independence of capital and the self-employment of non-capitalist classes, by such system of instruction as will tend to the establishment of coöperative effort in the industrial systems of the future.

"While these distinctive objects, imperfectly presented here, constitute perhaps the most striking features of distinctiveness which will be characteristic of this university, it is by no means the design to deprive any student of that refinement of culture which it has been in all time the object of the higher education to confer. All culture exercises a refining influence upon the character, and, to my mind, the apprehension which some have pretended to entertain that a closer union between the objects of the university education and the occupation to be followed in after life will deprive the graduate of any element of personal refinement or finish of scholarship is not well founded.

"And, again, a large part of human wants is æsthetic wants. It takes very little of the earth's products to feed, clothe and house a man. The greater part of his wants are intellectual. They may be falsely so, but still they cannot be classified under food, raiment and the roof overhead.

"In no country in the world is there so great a production in proportion to population as in California. By the census of 1880 it was shown that 100,000 souls—men, women and children—were engaged in agriculture. A liberal estimate will allow only one actual worker to five dependants, which would make 20,000 laborers or workers in the field. Now in 1880 there was produced enough wheat for the entire population of 700,000 or thereabouts, and for 11,000,000 besides.

"This surplus represents wealth, which comes back to us in objects of intellectual desire. I have thought a great deal on this subject, and perhaps much in a beaten way. It is a truism that the civilization of the world is based upon the things of thought. But I have been impelled to a practical application of this well-accepted principle. I do not know exactly what may be the objects of speculation, inquiry, investigation, scientific pursuit, artistic creation or logical analysis which shall interest the future students of the university, the foundations of which I have ventured to lay. I do not presume to define the channels of thought a great intellectual movement shall take. I leave the tendency to be determined by the progressive desire of those who shall come after me, and of those who are now growing up around me.

"Of one thing only I am certain: centres of thought are a necessity in civilized communities. With the production of wealth comes the leisure to think, and no people is really great which is not a thinking people. The Stanford university will have the usual departments of the ordinary seminaries of learning. I may mention it as a sort of specialty, an agricultural department in which I have great hopes. There are 7,000 acres at Palo Alto and therefore there is an ample field for experimental agricultural work.

"There is a great need of scientific knowledge in the agriculture of this state. Production has hitherto been so easy that this fact has not been sufficiently realized. I do not know whether you can make perfect farmers at an agricultural college, but much would be gained if some perception of the necessity of economic processes shall get abroad.

"I do not refer so much to the chemistry of farming; there is room for a great deal of visionary work here; but educated men, I do not care how or where they are educated, learn to use their minds.

"Take the simple act of plowing: perfect plowing results in a fine subdivision of earth. If you plow when the ground is too hard, you are rewarded with lumps that are of no more use than stones; if you plow when the ground is too wet, you again leave lumps of earth which are equally useless. This is a very plain proposition, but it is a consistent regard for the simplest laws of nature that brings about success. I believe in education, even for farmers.

"Some day you will see Palo Alto blooming with nearly all the flowers of earth, and the fruit and shade trees of every zone. We have a superb climate for the production of fruit. Fruit in this state reaches maturity easily, and in a greater state of perfection than elsewhere. The long, dry summers and equable heat are a great advantage in the chemistry of nature. In the future we shall can this fruit and send it all over the globe in exchange for wealth, which shall build us monuments of art and bestow upon us those luxuries which God has intended we should enjoy. There will be a school of technical arts, and the want of such an institution is widely felt. Skilled workmanship is the basis upon which all the arts of civilized life depend. Without skilled workmanship we cannot have true art; for the honesty of good work is necessary to the health of fine arts.

"I trust my laboring friends will not construe this department of technical arts as an interference in their view of the laboring question. The union rules preventing the employment of many apprentices, it seems to me, makes way for such a department as the new university will provide.

"There will not be a museum of fine arts attached directly to the university. Mrs Stanford and myself have determined to locate this museum in San Francisco. We are especially in need of art culture and a love of the beautiful in nature and in life. Now we are of a material race, prizing what we own; only prizing it because we ownit. We should be able to enjoy our beautiful scenery and our public buildings, when we shall have them worthy of admiration, just as much as if it were all our property. The land in time will be greatly subdivided, but nevertheless we should be able to keenly enjoy whatever we see around us that appeals to the eye of taste.

"However, as I have said, the museum of fine arts will not be located at Palo Alto.

"There will be no peddling of religious dogmas, or at least I hope there will not be, but a reverent spirit of religion, which acknowledges the creator, the glory of his works, and the immortality of the soul.

"We shall begin hauling lumber and laying the foundation of the quadrangle as soon as the plans are accepted in every detail. When I suggested to Mr Olmstead an adaptation of the adobe building of California, with some higher form of architecture, he was greatly pleased with the idea, and my Boston architects have skillfully carried out the idea, really creating for the first time an architecture distinctly Californian in character.

"The porticos will give shade and protection to the students who may walk under them, and the sun and light playing among the buildings will give health to the body, and, I hope, a quickening impulse to the intellectual faculties. However, I do not trust so much to any provision of mine, as I have confidence in the future of the state, and in our honest and intelligent population.

"A university, like a tree, is planted in the soil to grow at first unseen. I shall hope for a natural process. It shall not be my fault if the growth of the university be not slow, gradual, and steady."

The estates in the original grant, together with a cash endowment, aggregated twenty millions of dollars. To this the grantors will undoubtedly add at some future time. Thus property and revenue will increase until the wealth of this university will not be equaled by any institution of learning in the world. None ever had such a beginning, and not one in America can show any approximation to it, the two nearest to it being Columbia College, with a fund of $4,680,000, and Harvard, with about $4,500,000. The university at Palo Alto will begin with an endowment of about $20,000,000.

Nature had done what she could at Palo Alto to assist the owner in his beneficent designs. Between the coast hills and the bay is a beautiful stretch of undulating land, a most charming location, in the midst of which is the valley of the San Francisquita, with its evergreen shrubs and aromatic air such as are found only in California. Wide avenues are laid in concrete, and lined with trees, throwing a cooling shade over benches placed at intervals for the benefit of pedestrians and students, with here and there yet more widely extended groves of dark green foliage, cooling the elastic air, and shedding their fragrance on the fragrant deeds of man; and beyond the groves, over toward the end of the avenue, is the burial-ground of the benefactors, the variegated marble marking the spot which is to be their last resting-place.

The buildings of the institution are picturesque in appearance and unique in architecture, being a modification of the Mexican or Spanish, and, as applied to seminaries of learning, essentially original and Californian. The corner-stone was laid on the 14th of May 1887, and the work progressed steadily from that time. Approaching the university from the north by a broad avenue, the visitor's attention is attracted by the memorial arch, spanning the roadway and forming the central feature of the façade. The crowning parapet rises to a height of 85 feet above the adjacent ground and commands a spacious outlook, from which he sees the panorama of the university laid out before him. The arch, semi-circular in form, from pier to pier, spans 46 feet; a sculptured frieze, carved in alto rélievo with figures of heroic size, bears witness to California's triumphs in the past and foreshadows the glories of the future—triumphs achieved by practical labor, and prophecies of glories to be obtained through the instrumentality of practical education. To the right and left of the memorial arch extend buildings devoted to the library and the museums of art and natural history. Along the whole length of these buildings, a distance of nearly 1,000 feet, runs an arcade forming a chain of arches which bind the buildings together.

Through the vista of the memorial arch appear the front and towers of the church, occupying the centre of one of the longer sides of the central quadrangle. This quadrangle, an open space of 586 feet by 246 feet, is completely surrounded by an arcade similar to the one in front of the museums, and gives access to the various class buildings, twelve in number, opening from its shaded depths. These arcades form the circulatory system of the university; lying on the outside of the interior group, connected by cross arcades, they form a complete and covered pathway, a royal road to learning, destined to be trodden by future sovereigns of mental and manual labor. Outside of the twelve class buildings, immediately surrounding the central quadrangle, there are fourteen others connected by the exterior arcade. All of the class buildings are one story in height, with sandstone walls and red tiled roofs. The sandstone is from a quarry near San José, and is of a light yellow color.

Three arched entrances, flanked by double columns, with carved capitals, and with voussoirs moulded, pierce the lower part of the gable wall of the church and give access to the sanctuary; a carved rose window and three small arched windows on either side light the upper portion, and are supported by a corbelled string course. A heavy coping, terminated with carving at the eaves, surmounts the wall.

Behind, on either hand, rise two towers, one square, the other round and of medium height. Beyond the nave, and forming the intersection of the nave, transept and choir, towers the central spire, about 130 feet high and 40 feet square; at the other corners the round towers, terminated by conical roofs of tile, group gracefully with the main shaft, whose many-sided roof reaches an altitude greater than any other feature of the university.

The central quadrangle is the typical arrangement of the university, the land in the direction of the longer axis being reserved for future growth and extension by building a series of quadrangles, of which the main quadrangle shall be the centre. Behind the main quadrangle are the boiler-house, with a stone chimney 120 feet high, the engine-house, and a workshop nearly 200 feet long. These are of the same character as the main buildings, stone walls, tile roofs, and one story in height, but are isolated, and not connected by arcades. The land in this direction toward the south is reserved for additional workshops, and the future extension of the industrial department.

Fronting on the various avenues which centre on the memorial arch are the dormitories, professors' residences, etc.

The floor of the quadrangle formed by the buildings is laid of concrete, and is one foot lower than the floor of the arcade. In the quadrangle is an enclosure 250 by 60 feet, having eight circular beds, 50 feet in diameter, for trees and flowers. The buildings are exceedingly substantial and fire-proof. They combine simplicity and utility, with no attempt at display. To prevent the heat from permeating through the roof, air spaces are constructed ; windows are abundant and ventilation thorough. One set of boilers heats all the buildings by steam, supplies power for the machinery of the workshops, and generates electricity for lighting. Drainage pipes, as well as those for heating and ventilating, run through all the buildings without disconnection. At the two ends of the quadrangle the buildings are in size 70 by 40 feet, while those on the sides are from 70 to 110 by 50 feet, with space between, and room for ells to be added.

At the four corners of the quadrangle are drinking-fountains, built into the corners of the arcade, and at the many columns which support the arcade are places for planting vines to entwine the columns. The houses outside of the parallelogram, and diagonally from one corner, are for students, each of a size to accommodate ten or fifteen persons ; and from the other, dwellings for officers of the institution, professors and men of letters ; and elsewhere, workshops, church, and library building, the last three stories in height. These structures, and also the quadrangular blocks of buildings may be increased to any number as required. When additional quadrangles are thrown round the first one, the portions of the arcade on both sides of the entrance at either end will be extended to the required distance, and then built round the larger parallelogram ; the buildings, however, instead of facing toward the court will face outward, placing the rear portions of the two quadrangular sets of buildings opposite each other. The buildings of the first quadrangle are not yet all erected. The architectural plans were prepared by Shepley, Ruthan, and Coolidge, of Boston.

The memorial church is cruciform in shape, and accommodates over 3,000 persons. All is of stone, walls, roof, and tower, with the exception of the roof of the church porch, which is of tiles. Three aisles extend from the auditorium to a large vestibule which opens upon the arcade, and from either side of which stairs lead to the gallery. The pulpit is placed by the column in front of a large apse, where it can be seen from all parts of the church. Opening from the apse, one on either side, are two rooms, one of which is for the use of the speaker, the other serving as a rear vestibule. Over the arcade extends the principal gable, forming a gallery for the organ. The floor and finishing work are of wood, the ceiling being of open timbers, showing the trusses. The fundamental principles of religion alone are here to be taught, the promulgation of creed or dogma not being permitted within these walls.

Such was the evolution of this institution, as accurately as I am able to present it in words. The main idea is a training school for manual labor, as well as for intellectual development. There is no enlarging or strengthening of the body or mind except through labor, the primeval curse afterward distilled to sweetest blessing. As Mrs. Browning says:

> "Get leave to work
> In this world, 'tis the best you can get at all;
> For God, in cursing, gives us better gifts
> Than men in benediction. God says 'Sweat
> For foreheads;' men say 'crowns,' and so we are crowned,
> Ay, gashed by some tormenting circle of steel
> Which snaps with a secret spring. Get work; get work;
> Be sure 'tis better than what you work to get."

Therefore, to train to self-happiness is the best that man can do; is all that God can do, with the redemption of the race planned as it is. Thus the engendering ideas were no less spiritual than material. Indiscriminate gifts to the poor, or to some already established institution, were cold charity beside this practical dispensation.

Mr Stanford has great hopes from the university. Education there must be according to the life purpose of the pupils, and knowledge must be so imparted as to be a benefit not only to the scholar but to his fellow-man. One cannot be wealthy when all others are poor, nor learned when all others are ignorant, nor virtuous when all others are vicious. Benefits to be real must be reciprocal.

From this spot, where are brought together such limitless educational resources, will radiate the happiest influence on American life and letters. Learned men from every quarter, and those seeking knowledge and desiring to become learned, will make their permanent or temporary residence in this quarter, where they will find at hand for their free use libraries, laboratories, observatories, museums, galleries of art, school-shops of mechanical labor and departments of agricultural instruction.

Henceforth to the end of time will centre here a wealth of human interest such as Cambridge and Oxford now enjoy, but greatly enlarged, and such as will forever render fascinating to the reader of future ages whatever may be preserved of the circumstances attending its founding, unequaled in any age or country, no less by reason of its substantial grandeur than for the originality of its conception and its prophetic ideas. It will forever stand out as a notable event in the history of human progress, the broad humanity of its founders transcending all conventional limits. Endowed as no other university has been, situated in one of the favored spots of earth, planned from the beginning to educate both boys and girls in the practical duties of life, and hampered by no moss-covered prejudices and traditions, it requires no great foresight to anticipate its future influence and usefulness, not only in shaping the destinies of California, but as a boon to all the nations of the earth.

Even in the midst of a civilization pulsating with the generous benefactions of noble-minded men the act stands out as phenomenal. The magnitude of the scheme, the broad intelligence which fashioned it, and the analytic mind which completed the details, no less than the vast wealth devoted to its consummation, fill with interest and admiration scholars and statesmen throughout the world. Nothing like it has ever been done before, nothing like it, perhaps, was ever dreamed of.

Says Dr Stebbins: "In reading the grant and articles of organization one is impressed with the magnitude of the scheme and the liberality of idea with which it is projected. The university includes within the scope of its discipline and studies every possible direction of human thought and action, from agriculture and mechanic art to the highest speculations of philosophy and original research; and all the helps and opportunities afforded in such an inclusive and universal scheme are to be enjoyed by men and women alike. The university is to be an epitome of the universe. The scheme could have originated only in a mind accustomed to great transactions and large views. If Mr Stanford's activity had been confined to the ordinary methods of business and acquisition it may be doubted whether his mind would ever have conceived a scheme whose boundaries so coincide with the rim of the world; or if his life were prolonged to the mythic period of the patriarchal time, and he had been three hundred years instead of twenty-five in acquiring his vast estates, it may be doubted whether his imagination would have retained such elasticity. There is something in it as you look at it on paper or the landscape or in the heavens, of the brilliancy of fortune, or a challenge to providence. It comes as easily as thunder out of heaven, or as the ocean bears the ships, or as a train goes through the heart of a mountain. The plan bears the impression of the projector's mind, his experience, his discipline, his way of doing things. Not that there is any haste or frivolity in handling weighty matters, for there is none, but a kind of never-in-a-hurry magnificence of decision. The great foundation bears the marks of the personality of the founder."

We might here ask, for what great era of progress, for what great awakening of intellect, for what great exaltation of the soul of humanity, was this new school of mental and manual development planted? For upon these shores we may reasonably look in due time for things transcendental. In Greece there were great things once—great men and gods. Where are they now? Likewise in Egypt and in Rome. These, too, are of the past. Six thousand years, let us say, civilization has been occupied in slowly working its way westward from its Armenian cradle along the shores of the Mediterranean to western Europe, then across the Sea of Darkness, and then across the continent to this bay of San Francisco, where it faces from across the ocean the less pellucid eastward current flowing from the same source. Here the stream must stop. There is no further west, and the old east is dead. What is the race to do? Die here also, perhaps, its days being numbered. But before its decease desperate efforts will be made to solve a few more problems, and who knows with what result? Who knows what figure the Leland Stanford Junior University will cut in the great unfolding of our latter-day creation? It is idle to talk of the impossible. Nothing before us is more impossible of achievement than the impossibilities, or what were deemed impossibilities, that have been already achieved.

And from the near or far away kingdom of the eternal, father, mother, son, what shall the spirits of these benefactors behold? Let the imagination glance down the vista of time, along the highways of evolution leading heavenward, the glories and perfections of which the mind of man cannot conceive, and even with our poor, blinded gaze we may see some of the outcomings of this great university, a hundred or a thousand years hence, as the purposes of the founders become more and more developed under the fostering care of new golden ages.

Calm and restful, yet breathing of thoughtful energy under the soft, warm sky of California, the hills and vales of Palo Alto appear overspread with human habitations, halls of learning, and busy hives of industry. A city, and yet a suburb; for the great commercial metropolis of the coast has thickly scattered its population hitherward, and but for the marked change in aim and occupation here encountered all might be regarded as one. These distinguishing characteristics, however, are as pronounced as one would find on entering another world.

It is the seat of intellectual culture and social refinement, the seat of fine and useful arts, of agricultural and mechanical improvements; in a word, the seat of a scholastic population, of skilled artisans and skilled occupations, the heart of a new civilization.

Hundreds of buildings, quadrangular in arrangement and otherwise, quadrangles round quadrangles, and hundreds more scattered beyond and around, interspersed with shady groves and grassy parks, and clean white walks and boulevards. There are the great halls of learning, the students' quarters, the professors' quarters, churches, library buildings, museums, art galleries, halls for study and recitation, from the lecture room to the kindergarten; also dwelling-houses and workshops without number. Farther away large manufacturing interests have sprung up, surrounded by corresponding industrial communities; while broad tracts of land are cultivated upon the latest principles approved by science. Wandering hither and thither, the scattered throng smile their approval on uplifting effort, and aid alike by counsel and example. From among these and other multitudes, who to the mechanics of mind would join the mechanics of muscle, for the more material battles of life and for further triumphs over nature, laboring alike in the schools and in the workshops, in the art gallery and in the wheat-field—from among them all shall issue forth in endless procession generations of improved and cultured humanity, with now and then specimens of highest genius, such as the world has never dreamed of, the children of earth walking near the gods in the sublimity of innate ideas and rectitude of action, here a playwright Shakespeare, a ploughboy Burns, a poor blind Milton; there, as among the classic groves of Athens, a Pisistratus or a Plato.

And yet again, we might ask what cometh forth from all this. Tongue cannot tell. Prophets of all improvements and high priests of all professions. Of the thousands and hundreds of thousands of aspiring youths who century after century will come hither to exercise their several faculties in the mental and mechanical gymnasiums here provided, and gather knowledge from the constantly increasing accumulations in the storehouses here established, some, perhaps to their own astonishment, will find themselves possessed of talents for this occupation or that, some few, it may be, of marvellous genius, for who shall say that the intellect of man has reached its highest development? Among the multitudes who study in these quadrangular halls, who walk these arcades book in hand, who wander among the groves of learning and around the monuments embowered in never-fading foliage, will be some intent only on selfish purposes, some on angels' missions, with peace of mind and purity of soul, professors and teachers mingling with latter-day poets and philosophers, a new Homer or Goethe, Copernicus or Bacon. At any time during all these centuries, for all that one may know, may be yonder in the laboratory a young Tyndall, working his way upward by independent observation, or out upon the hillside a second Herbert Spencer, absorbing all learning and assimilating all knowledge; while on the other hand we have a would-be Michael Angelo, who is finally sent to superintend the farm, or a vain-glorious street debater and philosopher, who turns out neither saint nor Socrates. Thrice happy spot, mid whose groves the gods might deign to linger, and listen to the marvellous revelations of these new-made men!

And now from the university at Palo Alto let us turn to the Palo Alto farm. For Governor Stanford farming and farm life had ever the strongest attractions, and with all his other endowments he is a natural born agriculturist. While passing through the country he will discuss for hours configuration and climate, ploughing, seeding, and harvesting, adaptation of plants to soil, and rotation of crops. At the close of some remarks made by the governor before the state agricultural society in 1863, Thomas Starr King, who was on the platform, said: "It is the most thoughtful and instructive agricultural address I ever listened to."

When in his New York office the directory man came in one day and asked him, among other things, his occupation. "Well, I think you can put me down as a farmer," was the reply. And a farmer, indeed, he is, with all the true farmer's fondness for animals, and especially for horses. It is said that when driving about his lands he can see more in a day than another would see in a week. Passing over the fields he sees in a moment whether they have been sufficiently ploughed and the crops planted deep enough; he observes where alfalfa should be sown; up on the hillsides he finds a new place for vines; and as he wanders around his orchard he can tell at a glance whether the trees are properly trimmed.

The love of animals and a delight in farm life are characteristics often found in prominent men. Daniel Webster, for instance, took great pleasure in his fine cattle at Marshfield, rising early to feed them, and having them brought to his window during his last sickness. So with Mr Stanford, who is never more happy than when among his handsome and blooded horses, taking note of their good points and watching their unfolding qualities.

Says one of his intimate friends: "The reason of his turning his attention to the improvement of horses is simply this: His health was failing, and his physicians recommended plenty of open air exercise, but without fatiguing himself, and, of course, the only thing he could do was to drive. Previous to this he had taken no particular interest in horses, except that he was always fond of driving a fast team. One day, when driving on the Sacramento race-track, he saw the horse Occident, and bought him. He then began to study over the matter of horses generally, and finally concluded that he would raise horses. When he started his stable he said to his foreman: 'I am going into the business of horse-raising—not to make money out of them, nor to sell, and unless we can make our horses better than other horses, I don't want to raise any. My purpose is to excel. Now the way to do that is to give a little more attention to the business than others do; to give it more study and thought; give a little more care and labor than others have heretofore given, or are now giving to the same thing; and if we do that, then we will get better horses than they are able to get." He started in the business on that basis.

"He has employed about his stable thirty or more boys and as many men, and yet everything is as quiet and orderly as at a church. No loud talking, no swearing, no harsh language, no scolding or whipping horses. The strictest laws of kindness are as strictly enforced. The result is, Governor Stanford's horses and colts, from the oldest to the youngest, are utterly void of fear, and are docile and affectionate. Go into the corral and these colts will surround you, put their heads on your shoulder, stretch out their noses to be fondled, and will play with you like little children. The superior mind of this man has subdued the very nature of his employés, and through them acts upon the animal creation by the great law of kindness. What a school for all horsemen to attend, and learn the principles of kindness and care in the management of horses!"

Though a breeder of racing stock, Mr Stanford never ran horses for money. The state agricultural society offered plate to the value of $2,000 to the owner of any horse which would equal the fastest time ever made in America. It was won by Mr Stanford's Occident; but he immediately returned the plate to the society, to be presented to any one who should equal Occident's time. He judges a horse largely by his head, which is the first point that he examines. After a few weeks' absence, during which fifty new colts may have arrived, he will tell them off accurately one after another; "This is a fine one; that one is not so good," etc. He is an excellent judge of form in horses. Once in Paris he said to Meissonnier, when examining a $250,000 painting by that great artist, "Your horse is wrong; were the animal really to take that posture it would break its back. The artist threw up his hands in horror. No one had ever told him he was wrong before. "You will have to prove that to me," he exclaimed. And Mr Stanford finally convinced him that the horse must fall if it continued to run in that position. Meissonnier declared that he would never paint another horse.

Mr Stanford is entirely familiar with the anatomy of the horse and the science of breeding; indeed, in the matters of form and anatomical proportions in the trotter, there is no one whose judgment is more accurately confirmed by the subsequent action of the animal. The Palo Alto stud was a success from the beginning, and its history with regard to the breeding of horses is almost unparalleled. In the early days of trotting little attention was paid to blood or breeding; little was known of the ancestry even of celebrities, owners and drivers regarding this as of small moment. They observed, it is true, that the progeny of some horses proved faster in harness than those of others, but the very fast trotter was after all, it was thought, more the result of accident than of any hereditary qualities which might be cultivated, or which were reducible to laws and principles.

All this has changed; and nowhere has the breeding of trotting horses on scientific and natural principles been brought so near a state of perfection as at Palo Alto. Not only is there such a collection of stallions and mares as was never before seen on any stud farm, but it is safe to say that, with money unlimited, and the whole world outside of Palo Alto from which to select, this stud of blooded trotting horses could not be equaled. With the greatest living sire at its head, seconded by stallions which rated by form, breeding and performance, can not be matched, and with hundreds of brood-mares eminently qualified to be mated with them, what more can men or money do?

Mr Stanford's purpose was to breed to a class of horses which would constitute a distinctive type, and should bear strong family characteristics, a description of road horses better than yet known; to breed horses which should trot fast because it was their nature to trot—because they were bred to trot. He would have them symmetrically formed, uniform in color, of high style and finish, as well as sound; they should possess all the qualities of the highly bred race-horse, and the essential characteristics of a model horse for road use. He thought that thoroughbred blood could be used to make the trotter hardier, and to give him better legs and more stamina and courage, and make him stay for a distance. Hitherto a brisk quarter might be driven and then the horse would tire. He thought that from thoroughbred dams the desirable qualities of the racehorse might be got, and that the trotting sire would give the level head and self-control of the trotter; and he desired also to educate horses without the use of weights, check, martingale, or similar devices.

Other original ideas Mr Stanford entertained in regard to horses, which differed from the views of those who were esteemed as among the best trainers. They were entirely the outgrowth of his own observation, never having been suggested to him by any one. The practical elucidation of his theories proved somewhat expensive; but he paid the money uncomplainingly, and solved the question to his satisfaction.

One was that horses could be made to trot when young. At that time very young horses were seldom exercised to any great extent, the best three-year-old record being 2:30 or 2:32. The system then was to speed them once or twice a week and jaunt them for eight or ten miles a day. Mr Stanford did not regard this as the proper method. He thought the interval between exercise too long, and that they should be sped every day shorter distances; that if the distances were not so long as to overtax them, it stood to reason that they would improve much more when exercised seven times than once a week. When these views were presented to Mr Marvin, the superintendent, he did not think it could be done; nevertheless he was willing to try. At first the strain was too severe, and many of the colts were for the moment disabled so that they could not trot at all. It took time to learn how to train according to the new plan; but the theory proved correct, as is now fully admitted by those best qualified to judge.

The system as now developed is to begin working the colts every day on the miniature track, at about the age of seven or eight months, putting boots on them, and then turning them loose to drive them around, thus teaching them how to trot. When twelve or thirteen months old they are broken, and from the fourteenth to the sixteenth month they are exercised, each according to his powers of endurance, but never so as to tire them. Thus, by never driving them to exhaustion, all danger is avoided of breaking them down. In this manner they acquire a little additional speed every day, with the least possible chance of injury.

Thousands have come to witness this system of training; but few have adopted it thus far, for the reason that it requires skill and experience, without which the experiment would be apt to prove expensive. Some at the east are attempting it, however, building covered miniature tracks and heating them by steam. The Palo Alto stable stands at the head in colt records up to four years old.

Another and twofold conception of Mr Stanford's, evolved purely from his own thought and observation, was, first, that when a horse is trotting rapidly he has all his feet off from the ground at one time, and, second, that in making a spring it is done with the front feet. But how was this to be demonstrated? None but an inventive mind could hit upon the novel device which finally solved the problem. Investigations were begun in 1877. Instantaneous photography was called into play, and after spending over two years in time, and a large amount of money on experimenting, the most marvellous results were obtained.

Experiments were begun at Sacramento, where Occident was photographed; and continued at Palo Alto, whither photographers with athletes for subjects were brought from San Francisco. The camera was so arranged that a horse at full run, on striking a small wire communicating with the apparatus, would touch it off and an instantaneous picture be taken. So with men jumping over a bar, who struck a thread attached to the camera, a picture being thus taken at the instant they crossed the bar. One person in jumping over a bar four feet from the ground would carry his head higher than others in jumping a bar five feet in height. Trained athletes, for example, would jerk up their feet as they were going over, which rendered it unnecessary to throw the body as high in air as if the legs were left to hang straight down. Finally it was demonstrated not only that there were times when the horse, in fast trotting, had all its feet off the ground at one time, but it was proved that at such time the back of the animal was raised no higher in consequence; and further, that the horse made its spring with the front feet.

At Palo Alto was a pacing horse which would over-speed, and a track was made specially for photographing this animal. The thread was so arranged that just at the moment when he settled into his best gait he would touch the camera off and it would photograph him. The horse, irritated by the string striking him on the breast, would break into a flying leap, and the picture looked as if he were flying. Thus when about in mid-air the picture would be taken.

In 1882 was published in Boston an illustrated quarto volume of 127 numbered pages, entitled, *The Horse in Motion, as shown by Instantaneous Photography, with a study of Animal Mechanics, founded on Anatomy and the Revelations of the Camera, in which is Demonstrated the theory of Quadrupedal Locomotion. By J. D. B. Stillman. Executed and published under the auspices of Leland Stanford.*

In the preface Mr Stanford says: "I have for a long time entertained the opinion that the accepted theory of the relative positions of the feet of horses in rapid motion was erroneous. I also believed that the camera could be utilized to demonstrate that fact, and by instantaneous pictures show the actual position of the limbs at each instant of the stride. Under this conviction I employed Mr Muybridge, a very skillful photographer, to institute a series of experiments to that end. Beginning with one, the number of cameras was afterwards increased to twenty-four, by which means as many views were taken of the progressive movements of the horse. The time occupied in taking each of these views is calculated to be not more than the five-thousandth part of a second. The method adopted is described in the appendix to this volume.

"When these experiments were made it was not contemplated to publish the results, but the facts revealed seemed so important that I determined to have a careful analysis made of them. For this purpose it was necessary to review the whole subject of the locomotive machinery of the horse. I employed Dr J. D. B. Stillman, whom I believed to be capable of the undertaking. The result has been that much instructive information on the mechanism of the horse has been revealed, which is believed to be new and of sufficient importance to be preserved and published.

"*The Horse in Motion* is the title chosen for the book, for the reason that it was the interest felt in the action of that animal that led to the experiments, the results of which are here published, though the interest awakened led to similar investigations on the paces and movements of other animals. It will be seen that the same law governs the movements of most other quadrupeds, and that it must be determined by their anatomical structure. The facts demonstrated cannot fail, it would seem, to modify the opinions generally known to have their influence on art."

After an introductory chapter, the horse is first considered as a machine, and the necessity of understanding its construction explained. After the general physiological and anatomical facts, and the architectural principles involved in the construction of the skeleton, comes a description of the joints, the vertebræ, cartilages, ligaments, muscles, tendons, and the rest, in all of which it is shown how utility is made to conform to beauty. Several chapters follow, showing deep research and a profound and scientific knowledge of the subject. Then in the last chapter we find masterly analyses of the step, stride, trot, run, single-foot, and leap, followed by many pages of illustrations of the paces. This chapter I give herewith in full.

"The series of plates which follow are intended to show more fully than was possible in the silhouettes that precede them, the action of the horse in every possible position in all the paces. They require, however, a brief explanation.

"The same ground was used as that on which all the experiments were made that are detailed in the appendix; but instead of a full battery of twenty-four cameras, only five were employed, and they were arranged in the manner shown in plate I. One only represented the battery, and that was in the middle of the series; the other four were placed at nearly equal distances, two on each side, so as to represent the arc of a circle, whose centre should be occupied by the horse the moment he appeared opposite the central of the five cameras. At this point a thread was drawn across the track which, when the breast of the horse came in contact with it, made magnetic communication with all five of the cameras at the same instant, so that five views of the animal were produced at the same time, showing him in as many different directions.

"The time of exposure of the negatives was so immeasurably small that few of the pictures taken were perfect in all the details; and as red appears as blank in the photograph, so all bay horses were without any details of light and shade, simply as silhouettes; and even when the horse was light or gray there would be some defect in some part of every one of the series.

"Experiments were made with various processes to reproduce them with all their defects; but it was found that the making of the necessary transfers from the originals, while they reproduced accurately all the defects of the original photograph, reproduced them with diminished sharpness, and these methods were abandoned.

"Under the direction of the Heliotype Printing company another was adopted. From the original photographs, by the heliotype process, copies were produced on gelatine magnified, and prints were taken on bristol board in blue ink, in the same manner as in the ordinary heliotype process. These prints, with the originals, were put into the hands of artists skilled in drawing on wood for engravers, who drew them with a pen in India ink, under careful supervision of the writer, so as to preserve the outlines as they were rendered by the camera and avoid reproducing the blotted defects of the originals. These drawings were then produced on stone by the camera, reduced to their original size, and the prints given in the volume were printed from these stones as in ordinary lithography.

"They cannot fail to be of great advantage to artists, especially those who would perfect themselves in animal drawing, and that acknowledged difficult branch of their art, animals in motion.

"They and the public generally are greatly indebted to Mr Leland Stanford for the enlightened liberality with which he has pursued this costly investigation, and given its results to the public without any pecuniary advantage to himself.

"It will be observed that some of these pictures are so nearly alike that at a superficial view they appear the same; but it is almost impossible that the times in which any two should be photographed should coincide, and there will be found no two exactly alike; and the near approach to the same posture proves the universality of the law in which all the paces are performed. In some of the plates there are but four pictures; the fifth, owing to some serious defect or failure of the apparatus altogether, is wanting.

"Plate LVII represents a position in the run corresponding with that in fig. 2, page 95, differing only in the fact that the right foreleg is performing its functions rather than the left, as in the cut. From this extremity the body will be projected from the ground, and the diagonal hind is advancing to the support of the centre of gravity. Comparing this with plate LXV, in which one figure is wanting, the correspondence will be found so close that, at first sight, it is difficult to convince one's self that they are not identical pictures; but on careful inspection it will be perceived that in the quartette the body is less advanced, and the supporting leg is farther from the perpendicular. The missing picture should be the first in the regular order.

"Comparing again this plate with plate CII, the body of the horse will be found to have advanced from the position in the former until the supporting leg is quite perpendicular, and the other limbs are relatively advanced. In plate CIV there is still further advance; the foot is under the centre of gravity, and the posterior extremities are being gathered under the body in the order with which they will successively take their turn.

"Plate LXXVIII exhibits the same movement on the instant that the propulsive effort of the limb is concluded and the foot is leaving the ground. From this last position there is an interval of one-fifth of a stride, in which there is no support given to the weight of the body, but it is moving as a projectile until the diagonal hind foot reaches the ground, which it is about to do in the following plate.

"The left hind foot will be the first to make the contact, from which we know that the right fore foot was the one by which the body had been projected into the air; the right hind foot will follow and take the ground a step farther in advance. This plate may be compared with LXX, in which the right feet are in corresponding positions with the left, as seen in the former. Plate XC represents the horse in a similar position.

"The slow trot is shown in plate LIX, and is not distinguishable from the fast walk, as seen in the succeeding plate; it is only when the instant of exposure of the sensitive plate of the camera is coincident with that in which all the feet are off the ground that the walk can be distinguished from the slow trot.

"Plate LXI is also an attitude of the trot, but it is recognized by the highest action of the free limbs, and this action indicates a higher rate of speed than is possible in the walk.

"In the succeeding plate the walk is again represented and is unmistakable, as the three feet are supporting weight, as indicated both by their position and the yielding of the pasterns.

"In plate LXIII we see the sluggish run, in which the speed or momentum of the horse does not permit the propulsion of the fore leg to carry the body clear of the ground before the hind ones come to the sup port of the center of gravity prematurely, and which constitutes the pace known as the canter. (See page 103.)

"The fast trot is shown in plate LXVI. It seems to be a fast walk, in which the groom is urging the horse into a trot. The position may be interpreted into either a walk or a trot.

"Plate LXVII represents a position in the leap, and is fully explained in the sixth chapter. The walk is further illustrated in the two following plates. In plate LXXI a position in the trot is shown where the feet are all clear of the ground. Before the leg, which is extending forward to reach the ground, makes the contact, it must be straightened and the toes raised as in plate LXIV. As already stated, it is difficult in some of the illustrations to determine a slow trot from a fast walk, for there may be an instant of time in the trot when three feet are on the ground. The mechanical action is the same in both paces, and the distinction is based on the speed. This difficulty could not occur where the reader has the advantage of a consecutive series of views as shown in plate L.

"The heavy Clydesdale in plate LXXII is shown in the ambling pace in which the weight of the body is borne, and the propulsion performed by the two extremities of the same side. The canter is illustrated in plate LXXVIII. The support is here given by the left fore leg, and the greater flexion of the diagonal right indicates that it is the next in order to perform that function. The degree of action indicates a low rate of speed, which could be attained in the trot with greater ease to the horse, if not to his rider. Plate LXXXI represents in the animal in the greatest degree of extension he reaches in the run. The posterior extremities have successively performed their functions as supporters and propellers, the anterior limbs are extended to relieve them, and for the instant the diagonal feet are on the ground, but it is only for an instant; the weight of the body is already on the fore leg, and the only propulsive force left in the hind one is derived from the reaction of the suspensory ligament and its reinforcing tendons. This position nearly corresponds with that in fig. 8, page 93, though a little in advance of it.

"Plate LXXXV illustrates the run shown in fig. 10, page 95. The fore leg must be straight from the elbow to the foot, when it makes contact with the ground, as only in that relation of the bones forming columns of support could the weight suddenly thrown upon them be borne. A moment's consideration of the mechanical construction of the knee-joint will suffice to convince one of this, and a weakness at that point, which renders the animal liable to stumble, is a very serious defect, and where it exists it indicates the loss of the balance of power between the flexors and extensors of the foot. This inflexible position of the knee-joint will be found to be universal in all the paces when the limb is sustaining weight."

The Palo Alto stock farm is about thirty miles south of San Francisco, twenty-two from the ocean and three from the bay. It extends about twelve miles east and west and four miles north and south, and is covered with scattering white and live oak, blue gum and pines. The general slope is toward the east, without any great elevations or rocky tracts.

At the entrance to the park and grounds of the manor-house or private residence, about a mile from Menlo Park station, stands the *palo alto,* or high tree, after a somewhat free translation, from which the place derived its name. Within, nature and the landscape gardener have joined their powers to adorn the spot, and paint upon it a most beautiful picture. Besides the shrubs and trees indigenous to the soil, here are found in luxurious growth those of foreign habitat—palms from China, cedars from Japan, the tropical orange, with its limbs bending under the weight of golden fruit, together with plants from the Indies, interspersed with beds of flowers artistically arranged, and loading the soft sweet air with delicious fragrance.

It is the owner's intention that the park and grounds, comprising 299 acres, shall contain every known species of tree adapted to this climate, and of late 12,000 trees were added to the already large collection in one year. The valleys beyond contain the richest of farming land, adapted especially to the raising of barley, while the foothills afford the finest wild-oat pasturage. One reservoir has been constructed with a capacity of 125,000,000 gallons, and another planned to hold 225,000,000 gallons. There is also an artesian well capable of furnishing 5,000 gallons an hour. There are about 5,000 acres cultivated, mostly in hay and barley. In 1887 there were raised on 3,500 acres something over 5,000 tons of hay, 20,000 sacks of barley, 28,000 bales of straw, besides corn and carrots for feed, and quantities of fruit; but, notwithstanding this, 11,000 bushels of oats had to be purchased elsewhere.

On passing out of the home grounds you turn into a broad, straight, macadamized road, running southerly between rows of trees to the trotting stock farm. Near its southern terminus this straight road passes one end of the trotting track, and beyond are the white fences of the paddocks. On the tracks horses are moving, the drivers in sulkies and wagons. Across the tracks the buildings of the farm are seen, and in a moment you turn to the right and drive down a straight stretch between two rows of paddocks, seeing more men and meeting horses crossing from the the stables to the tracks, or going the other way with led horses walking in blankets. Turn to the right again around a baby track, with a little oblong roof shelter in its middle for the observer to stand under, and you are in front of the office which is the headquarters of Charles Marvin, the superintendent, and L. C. Ferguson, the clerk of the Palo Alto stock farm. Near the office are the reading-room, the barber shop, the storehouse and the mill.

The buildings, being constructed for the special purposes to which they are put, are admirably adapted for their respective uses. South of one of the small tracks, and near the office, are three two-story stables, forming three sides of a square, opening toward the small track and not far from the two large ones. The rest of the buildings for stock are shed-barns of one story, with roofs pitching toward the rear, and room for feed above. There are some six hundred horses to provide for, and each has its separate stall. The trotting-stable for all ages is 150 feet in length, north and south, and 100 feet in width along the center, including the T projection at the east. It has twenty-six box-stalls, each twelve by fourteen feet. The doors are of ample width to admit of easy driving in and out. In the upper story is the hay and grain. The only furniture in the stalls is a galvanized iron feed-box, which can be taken out if desired when the horse has finished eating. The stalls have earth bottoms. The soil is clayey, and it is mixed with gravel and tamped down. Slacked lime is laid on the bottom frequently. The horses' bed is of wheat or barley straw, and is often renewed and always kept clean. At Palo Alto there is none of the odor usually more or less noticeable about stables. It is true that the Palo Alto stables cover so much ground that there is abundant opportunity for ventilation; but in addition to this advantage is a scrupulous regard for cleanliness and order; and, as we have seen, kindness to animals is one of the rules of the place.

Square to the east of the training-stable for all ages, and in line with it north and south, is the colt stable, filled with colts to break and train. This is of the same dimensions as the one before described, except that it has no T projection, though it has on its west side, toward the training stable, a projection that is bold enough to break what would otherwise be a monotonous reach of 150 feet along its side. On that side are ten box stalls. On the east side are thirty-one stalls, making forty-one in the stable.

To the south, and facing the opening between the two stables, but a little distance from them and not quite long enough to cover the space between them, is another two-story barn, 100 feet in length and 60 feet in width. Some of the men sleep in the upper story of this barn, and on the ground floor are kept the vehicles used in training and speeding, including about thirty sulkies and four skeleton wagons. The stables are painted brown with white trimmings. The shed-barns are white. There is an oak tree here and there about the stables and barns.

The smallest of the shed-barns has four stalls, with Electioneer in one end and Piedmont in the other. Most of them have from twenty-four to fifty stalls, and are from 200 to 600 feet in length. Some are L-shaped, facing paddocks. The stock farm is provided with everything that is needed, including a blacksmith shop, a wheelwright shop, and a mill to grind feed. There are fifty paddocks of three acres each for grazing purposes. At night all are under shelter, except that some of the older animals are left out during the summer.

Mr Charles Marvin, superintendent of the Palo Alto stock farm, is a man of the utmost integrity and ability, and of wide experience. He is a native of New York state, but spent the greater part of his life, before coming to California, in Michigan, Illinois, Iowa, and Colorado. The first consignment of fine horses was purchased during the winter of 1877, and about that time Mr Stanford fortunately secured the services of Marvin, who had acquired distinction by training and handling the great horse Smuggler. Under Mr Marvin's successful manipulation he made a record of 2:15¼, and was finally sold for $40,000. Mr Marvin is a man of quiet demeanor, of few words, in disposition thoughtful, with a mind fertile in expedients, and domestic in his tastes, having a refined and educated wife, a lovely family of children, and a most happy home. He is a great worker, breakfasting before five o'clock, and beginning the day's duties by an inspection of the various stables. At daybreak work on the track commences, which ordinarily progresses until 2 P. M., averaging over fifty miles each day in the sulky. Then comes the grand round of stables, miniature track, paddocks, bands of colts, brood-mares, breaking-stables, etc., nothing escaping his eye. Each horse, mare, and colt, with its breeding and characteristics is known to him. His orders are given clearly and explicitly concerning the feeding or care of this one or the other, until night drops the curtain. After supper he goes to his office and dictates answers to a large line of correspondents, which, with directions for the morrow's work, fills out and closes a hard long day, with a certainty that there is no less work to be done on the day following. At one season of the year he lays out his work for the next, and before spring opens his stable of trotters for the next year's battles are selected.

While living in Sacramento Mr Stanford owned some trotting horses, including Occident, the first California horse to acquire continental fame, the first to go below 2:17, having trotted in 2:16¾. Occident died at Palo Alto in 1886. Governor Stanford also owned Edgerton, the gray horse for which $20,000 was paid, but in this animal expectations were not realized, as his record stopped at 2:23. In 1878 he purchased of Charles Backman, of Stony Ford, New York, the horse Electioneer. He also bought twelve other head of horses, all Hambletonian, for $43,000. Thirteen thousand dollars of this sum was for Electioneer. It was a great price, but at that time colts from Green Mountain Maid were extremely high. Prospero had just been sold for $20,000 as a three-year-old, and had Electioneer been sired by Messenger Duroc, Prospero's sire, his price would have been far greater, notwithstanding that he came from the loins of the famous old Hambletonian. Electioneer is a bay stallion, with white hind feet, 15½ hands high. He went lame when he was three years old and made no record. He was foaled in 1868, and was consequently ten years old when he came to Palo Alto, since which time he has trotted a half mile in 1:10, and a quarter in 0:54. He stands straight on his ankles, with very little sway to his back, a young looking head, and is playful as a colt when given his exercise on the track. He was sired by Hambletonian 10, dam the world-famed Harry Clay brood mare Green Mountain Maid; second dam, Shanghai Mary, a fast trotting mare of unknown blood.

Incredible as it may seem to the theorists and adherents of pedigrees made up of eight or ten crosses of different blood, this is all there is of the blood lines of this famous sire—Hambletonian, Harry Clay and a mare of unknown blood, which has accomplished nothing of note except in this single connection. It is a notable fact that Hambletonian 10 was bred in the same way—a good sire and a dam of great individuality and strongly marked characteristics. So was George Wilkes, so was Dictator, and so were numbers of other prominent sires. This in no way militates against a long pedigree of first-class blood ; in fact, that is to be desired, provided it is a combination of producing blood coming through animals of marked individuality. But the fact remains that, in trotters or sires of great note, we find, as a rule, the dam to be an animal of strong and in many cases noticeable characteristics as to nerve force, constitutional vigor and conformation.

Green Mountain Maid was a mare in every way notable. She had an excess of nerve force and will power, great vigor, a speedy conformation, and a pure rapid trotting gait. She is the leading matron of the famous Harry Clay family of blood mares which have become prominent as the dams of St. Julien, 2:11¼; Bodine, 2:19, and many other ornaments of the turf. She was a brown mare, fifteen hands high, foaled in 1862. She has had sixteen foals. The first was in 1867, when she foaled to Middleton the bay mare Storm, 2:26½. In 1868 she foaled to Hambletonian 10 the bay horse Electioneer, who has frequently trotted quarters in thirty-four seconds, and has sired more speed from thoroughbred mares than any other horse. In 1869 she foaled to Messenger Duroc the black gelding Prospero, which has a record of 2:20. In 1870 she foaled to Messenger Duroc Dame Trot, 2:22, trial 2:17. In 1871 she foaled the chestnut gelding Paul, of which we know nothing. In 1872 she produced the chestnut mare Miranda, 2:31, by Messenger Duroc. In 1873 she produced a black colt, which died. In 1874 she became the mother of Elaine, record 2:20, and dam of Norlaine, yearling record 2:31½. In 1877 she produced the brown mare Elise, which injured a hip and has since been breeding. In 1878 she foaled the bay mare Elite, which showed a half mile in 1:08, was sold at auction for $3,100, and is now in the Woodburn harem. In 1880 she foaled the bay horse Antonio, which has a record of 2:28¾. In 1881 her black filly died. In 1883 she foaled the bay mare Elisla, which with little training showed great speed. In 1885 she foaled a black mare which showed 2:35 the first time harnessed, and in 1887 she foaled a very promising colt called Lancelot, recently sold for $12,500. Such is the record of the great mare. She has among her progeny six 2:30 trotters, two with records of 2:20, a son with thirty-eight 2:30 trotters, all the best trotting colts on record save two, and a grandson which is sire of the fastest yearling.

Electioneer is the sire of forty-one 2:30 trotters, and forty-six daughters which have produced more than fifty 2:30 trotters, and he is out of this great old mare. He is a combination of the founder of the greatest trotting family, and the foremost mare of a great brood-mare family; a trotter himself, and all his sisters and cousins and aunts are also trotters, and from the most prepotent families. Verily, if he failed to produce in great numbers young trotters of extreme speed he would be the rankest failure on earth. His great success is not enigmatical or a marvel, but only the legitimate sequence of a grand speed inheritance, and strong individuality.

The value of a stallion lies in his individual and inherited possession of that transmitting quality which enables him with certainty to impress upon his progeny those characteristics desired in the animal produced. Many high-bred stallions possessing marvellous speed are not endowed with this essential quality; many produce an occasional trotter, or produce only when mated with mares of certain blood which seems to harmonize with that of the horse.

These animals are of some value, but a great horse must be so endowed with this quality as to universally impress the qualities desired upon his progeny. Such a horse will not only found a family of trotters, but his sons and daughters will reproduce with regularity.

Electioneer might not be considered by everybody as a strikingly beautiful horse, but he is good from whatever point you view him. He has power, alertness, intelligence, and nerve, and he looks like an animal that would fulfil his part of any contract with any man that ever sat in a saddle or held a pair of reins. He is good-tempered withal, and does not resent the touch of a friendly stranger. He has a plain head, but with nothing about it that is homely or unattractive. The jowl is wide, and the large hazel eyes are prominent and pretty wide apart, making the horse look intelligent and brainy, as he is. The upper part of the neck, behind the jowl, is large and thick, and the throat is full. On top the neck is very nearly straight, and the crest is thinner than in most trotting stallions. This was formerly thought a fault in a trotting sire, but Mr Stanford considered it a good point. The shoulders are heavy, and the breast is prominent and muscular, but clean and smooth in appearance. The arms and fore legs are strong, and run to black above the fine knees. The cannon-bones are short and of average thickness; the pastern-joint is of medium size and springy; hoofs of ordinary size, and with thick walls. He is flat on the withers, has a good back, is ribbed up well, has a round barrel and is long on the belly; hips large and powerful; very broad across the stifle; gaskin large and strong; hind legs black from just above the hock to the white hind feet; tail black, long and rather light weight; mane black and not abundant; tail and mane were always as they are; he is higher behind than in front; he has not been shod in five years; in health and vigor he is like a colt; he is high strung, but he does nothing mean or vicious. Nearly every horse that Electioneer sires has one white foot and sometimes two, and he transmits his color strongly.

In the purchase of Electioneer Mr Stanford exercised his usual judgment. He was induced thereto by his admiration for the individual excellence of the horse, and his unqualified admiration for the great mare, his mother. At Stony Ford the horse had been given but little opportunity to demonstrate his quality as a sire. At that time large stallions were in favor, and the breeding of the dam of Electioneer was unpopular; so much so, in fact, as to be held in contempt. It resulted that Electioneer was neglected, and had but few foals when he was removed to California. At the close of 1887 he had about 320 foals. Of these thirty-three were weanlings, thirty-seven were yearlings, and about forty were brood mares without records. Of the whole number of his foals 231 were bays, three were roans, three were grays, and the rest were either brown or black, so that more than ninety-eight per cent of his progeny are of solid color. At the close of 1887 there had been bred at Palo Alto 294 foals by Electioneer. Of this number thirty-eight now have records in 2:30 or better. Nine of them as two-year-olds secured records better than 2:30. They are Wildflower, 2:21; Palo Alto, 2:23¾; Bonita, 2:24½; Fred Crocker, 2:25½; Bell Boy, 2:26; Carrie C., 2:27½; Sphinx, 2:29½; Palo Alto Belle, 2:28½, and the wonderful Sunol, 2:18. In addition to this Suisun trotted to a record of 2:31½ (trial 2:26). Ella secured a record of 2:33½ and Chimes 2:33½. Seven have made records in 2:30 or better as three-year-olds. They are Hinda Rose, 2:19½; Manzanita, 2:23¼; Rexford, 2:24; Maiden, 2:23; Grace Lee, 2:29¼; Ella, 2:29, and Gertrude Russell, 2:23. In the year 1887 eight of the get of Electioneer entered the magic circle. They were Ansel, 2:20; Maiden, 2:23; Bell Boy, 2:26; Whips, 2:27¾; Old Nick, 2:23; Stella, 2:23½; Clifton Belle, 2:24, and Eros, 2:28½. In the year 1888 thirteen of the foals of Electioneer trotted to records in 2:30 or better. They were Elector, 2:21½; Juno, 2:23; Gertrude Russell, 2:23; Azmoor, 2:24¾; Morea, 2:25; Arbutos, 2:27½; Cubic, 2:28½; Express, 2:29¼; Grace Lee, 2:29¼; Ella, 2:29; the great two-year-old Sunol, 2:18; Palo Alto Belle, 2:28½, and Mortimer, four-year-old, 2:27.

The power of Electioneer to sire fast trotters from all kinds of mares is especially noticeable, and his marvellous producing power is apparent in the fact that from strictly thoroughbred mares he has sired fast trotters; nor does it seem that his ability in this direction is confined to one class of thoroughbreds, or to mares of any certain lines of blood. To a degree never equalled this great horse controls the action, temperament and gait so as to sire from all kinds of thoroughbred blood pure-gaited trotters of great speed. To recapitulate the points made concerning this great sire of colt trotters, he is bred in the most popular lines, and embraces in his pedigree the greatest sire and founder of the greatest family, as well as the greatest mare of a noted brood-mare family. He is himself the last trotter. His get are surprisingly uniform in conformation, color, and action. He sires great speed with uniformity, and leads all other horses as a sire of extreme speed at an early age, and as a producer from all kinds of mares, including thoroughbreds.

Of thirteen trotters by Electioneer three were out of strictly thoroughbred dams. Among his get from thoroughbred dams are Ansel, 2:20 (in a jog); Palo Alto, four-year-old record, 2:23; Azmoor, 2:24¾; Whips, 2:27½; Cubic, 2:28½, and Express, 2:29½. Hinda Rose has a yearling record of 2:26½, which stood unchallenged for six years. Norlaine, a granddaughter of Electioneer, holds the world's yearling record of 2:31½. Hinda Rose in 1883 trotted to a three-year-old record of 2:19½, which was undisturbed until 1887, when it was beaten by Sable

Wilkes—2:18. Manzanita holds the four-year-old record of 2:16, and the nearest approach to it is Susie S. s mile in 2:18. Wildflower in 1881 astonished the world by trotting to a two-year-old record of 2:21, which was never approached until 1888. Axtell, by William L., trotted in 2:23, while a fortnight only elapsed until the two-year-old Electioneer filly Sunol trotted in 2:20½, and a fortnight later in 2:18. This gives to Palo Alto the fastest yearling, two-year-old and four-year-old trotting records. Electioneer's roll of honor now embraces nine trotters with records in 2:20 or better, four with records better than 2:18, two with records better than 2:17, twelve with records better than 2:22, and twenty-three with records in 2:25 or better, while only two of his entire number in the charmed circle have records as slow as 2:30.

There are other magnificent stallions at Palo Alto, with about three hundred brood-mares, which are being bred to Electioneer, Nephew, Piedmont, and their sons, and to the sons of General Benton. General Benton has sired extreme speed, and the youngsters by his sons and the produce of his daughters are first class. The great race horse Piedmont, 2:27¼, is here. He already has two in the list, and some very promising youngsters. Nephew, by Hambrino, 2:21½, dam by Abdallah 15, has a number of fast ones on the list, and they are noted for their racehorse qualities. Clay, 2:25, by Electioneer, dam, Maid of Clay, by Henry Clay, is a grand horse, and his progeny are of great promise. Electricity, by Electioneer, dam Midnight (dam of Jay-Eye-See, 2:10, and Noontide, 2:20¼, by Pilot Jr.), is an exceedingly fine horse. He has shown quarters in 35 seconds.

Early in his efforts toward breeding, Mr Stanford sent to Kentucky for thoroughbred mares. While he looked for good blood, he paid more especial attention to the mares themselves than to their pedigree, and selected good-sized animals, with fine heads and good legs and feet. He preferred mares, if he could get them, that had produced race-horses; for he thought that if good race-horses had been got from them, they would also produce good trotters. Since his first purchases he has come to look for certain strains as well as for desirable apparent qualities, and perhaps gives a preference to Planets.

Of the brood-mares at Palo Alto less than one-half are thoroughbred. The breeding of trotting sires to trotting dams is still extensively carried on, because there is a demand for horses so bred; and as the horses are there he sees no reason why the breeding should be stopped. Moreover, he probably does not regard the work of developing and improving the trotting horse by the infusion of thoroughbred blood as completed, though he is more than satisfied with the results so far attained. Superintendent Marvin thinks that the new plan of breeding has been successful and satisfactory in every way; that the product have all the good qualities of the best horses, and that they show improvement in speed, bottom and staying for long distances. The half-bred trotter has shorter hair, a finer neck and head, and a better-looking and brighter eye. He looks keen and courageous, and as though he could do something. His legs are flatter and thinner, the joints are cleaner, and there is less fleshy substance on them, and less tendency to feverishness and puffiness. The legs are not longer, nor do they run to leanness or a race-horse appearance; but there is about the horse a general cleanness of cut; he is alert and quick and willing to go. His foot is not smaller, but is stronger and harder—holds a nail better and wears better. Some think that the half-bred trotter will not be trustworthy—that at the supreme moment he will lose his head or his feet. But experience gives no warrant for this supposition. The half-bred trotter, at least those sired by such horses as Electioneer, seem no more uncertain than the trotting-bred trotter.

At Palo Alto the colt is weaned at five months. He is then broken to the halter and turned into the fields, sheltered at night, and fed twice a day with all that he can eat of boiled and ground food. This is continued until he is eight months old, when he is taken out for exercise on one of the miniature tracks. He is kept at this until twelve or thirteen months old, and then broken to a skeleton wagon, side by side with a well-trained horse. Those that it seems desirable to keep in training are continued in exercise, the others are turned out to pasture. In training the ordinary rule for all ages is short distances, with work every day, including a quarter or half-mile brush. Good colts are entered almost everywhere, and when the time approaches they are tried for longer distances. Speed and the possibilities are thus developed without using up all the reserve power.

The colts and fillies run together until they are seven or eight months old; after that they are kept apart. When weaned, two colts or two fillies are put in one stall until they are from eleven to thirteen months old, then they are placed in separate stalls.

To the south and east of the east stable, and not far from it, is a track of one-twelfth of a mile, roofed over, but open in the centre. East of the T stable is a track of one-ninth of a mile, with a little pavilion-like shelter in the middle. There are other small tracks at convenient places, with a walking-track for cooling and exercise, and a covered paddock for use in wet weather. The shed barns to the west and northwest of the T stable are full of trotting horses in training, and the large open space or plaza that is to some extent enclosed by these structures is a scene of busy life, with men and horses constantly coming and going from the tracks. It is convenient to the regular trotting-tracks, one of which is three-quarters of a mile in length, and inside of the other, which is one mile. There are no buildings on the trotting-courses. In building the tracks a ledge was left all around the inner circles at the poles. The tracks are smooth and true. Numbers of fine horses may be seen moving on them during the early part of the day, and one may observe coming from the stables and going back to them, sitting in sulkies and driving, keen-looking horsemen who drive fast or slow according to the purpose to be attained, with now and then a good horse going gamely and squarely, such trïals being carefully noted by the ubiquitous and watchful superintendent.

As I have said, not only is Palo Alto the largest horse farm in the world, but probably no amount of money could purchase its equal with all the world to select from. Although it was not started with the view of breeding horses to sell, but to improve the trotting horse, and has never been managed for profit, it could undoubtedly be made to yield a large income. Indeed, Mr Lathrop states that none of Mr Stanford's ventures pay better than his investment in horses. For the conduct of this great estate 150 persons are employed, at salaries ranging from $30 to $250 per month, of which number over 100 are white, and the rest chinese. The employés are all boarded by their employer. Church services are conducted on the place, and Mrs Stanford has established a school for boys and a kindergarten for girls at Menlo Park.

The value of this great establishment consists not in its vast extent, nor in its great number of excellent horses, nor even in the number of fast records obtained by horses bred there, but in the fact that there is being established a great race of high-bred sound, handsome, stylish horses, which trot fast because it is their nature to trot, and because they are bred so that the trotting instinct is the ruling passion.

Contrary to the idea of many, the excellent climate has contributed less to the exceptional success of the stock farm than the intelligence of the owner as displayed in the selection of stock and in the constant care given to breaking.

But to the stock farm at Palo Alto, perfect as it is, so far as anything human can be called perfect, Mr Stanford's rural tastes and pastimes are by no means restricted.

> "O fortunati nimium sua si bona nôrint
> Agricolæ,"

says the Latin poet. And a farmer's life, if such had been his lot, the governor would doubtless have preferred to all others, himself remarking that this is the occupation for which he is best adapted. Such is the modest estimate placed on himself by one who has long been known to the world as a railroad builder, a millionaire, a statesman, a philanthropist, and a man at the head of more varied and important interests than were ever intrusted to a citizen of this western commonwealth.

And in tracing the origin of the wonderful power of this no less wonderful success, perhaps next to his versatility, his many-sideness, his forecast, his breadth of grasp, his ability to plan and execute, should be placed his care in the choice and treatment of his employés. Those whom he selects for positions of trust he trusts implicitly, confiding to them a full measure of responsibility, expecting them to assume that responsibility, to act up to it, and to be responsible for all placed under them. By some he has been accused of neglecting details; but as a fact he expects such details to be elaborated by others, himself laying down only general principles. In those around him he has perfect confidence, and this he never hesitates to show until he finds it misplaced, thus causing them to have faith in themselves and insuring zealous and faithful service. Moreover, he has always made it a point to pay higher salaries and wages than other firms and corporations, thereby securing first-class work, with an unlimited choice of employés. When waited upon by the proprietors of certain foundries and machine-shops, who urged him to cut down the railroad company's rates, since by its liberal policy it absorbed all the best available labor: "That is just what we want," he replied. "We are offering this increase as an inducement to our men to become better workmen than your people are." But to return to the governor's farming operations.

The most valuable and productive of the three great farms donated to the university is the Vina tract, situated at the junction of Deer creek with the Sacramento river, being a portion of a Mexican grant made to Peter Lassen, the Swede, who settled on it some time before the discovery of gold. Later it passed into the possession of a German named Gerke, who for many years made from its vineyard a brand of hock that was famous in the San Francisco markets. In 1881 this man died and Governor Stanford purchased the grant, adding to it other pieces of land, until he secured 55,000 acres, at a cost of $1,000,000. The old vineyard had gone to waste, the fences were down, houses dilapidated, and there was no provision for irrigation. In 1882 Mr Stanford ordered 1,000 acres set out as a vineyard, and 800,000 cuttings were planted, comprising the finest varieties of wine, raisin, and table grapes, the first predominating, The varieties are the black don, burger, black burgundy, hanstrillo, charbonneau, zinfandel, black elben, black malvoise, nerdal, trosseaux, chargre, poulsan, lenoir, and herbemont, to which have been added a number of other grafts especially imported from Europe. The trosseaux, charbonneau, and herbemont are those principally used for port wine, the zinfandel for claret, and the berger for white wine, the opinion being held that the last named is to be the coming hock. In the following spring 1,500 acres more were set out, but in 1884 nothing was done in that line owing to the death of young Leland Stanford. In the spring of 1888, 1,000 more acres of vines were added, aggregating, with the seventy-five acres of the old Gerke vineyard, a total of 3,575 acres, or 2,860,000 vines in one vineyard, making it by far the largest vineyard in the world, and, as some assert, larger than any three vineyards in the world combined.

The entire tract of 3,575 acres is laid out in blocks 152 feet in width by 552 feet in length, separated by alleys running north and south, and by avenues east and west, the alleys sixteen feet wide and the avenues forty-eight feet. These blocks lie along the Sacramento river, and are parallel with the railroad, which runs through it from north to south. The avenues are lined on either side with walnut, apricot, peach, plum, and other trees, and running through the centre of each avenue is an irrigating ditch, fifteen feet wide, with a twelve-foot roadway on either side. This is the horticultural division; the agricultural division comprises wheat, oat, hay, and uncultivated bottom and timber land, grazing land, in addition to the regular plain, and foothills.

The preparations for the irrigation of this vast estate are commensurate with the scale on which Mr Stanford conducts all enterprises which he controls. The construction of the system was begun in 1882, and is not yet completed. The source of supply is Deer creek, which was tapped two and a half miles northeast of Vina, where two massive floodgates were constructed—one of wood and the other of granite laid in cement. The great central ditch has a grade of four feet to the mile and a capacity of 80,000 gallons per minute, or 7,300 miner's inches. Two miles from its head a fifteen-foot branch ditch begins and runs past the vineyard, supplying the northern portion with water. This branch is subdivided into ten smaller ditches, nine of which run through the vineyard and are controlled by a system of floodgates, which give uniform irrigation to every foot of the vineyard.

The tenth ditch passes on through the vineyard a distance of two miles, where it is itself subdivided into twenty smaller ones for the irrigation of a 500-acre field of alfalfa, each ditch, even at this distance of five miles from Deer creek, being nine feet wide and running full in the dryest season. After supplying the northern fork the main ditch runs for a mile into a twenty-foot bottom, with a slope of one and one-half to one, and then along the line of the railroad for over four miles, with a thirty-foot bottom and with a grade of two feet to the mile. From this nineteen six-foot ditches branch out and are carried through the new portions of the vineyard. Opposite the head of the main ditch a third one, with a twelve-foot bottom, runs for two miles to a 600-acre alfalfa field, which it intersects with a series of cross-ditches, making altogether a system of fifty-five miles of ditches, capable of irrigating 12,000 acres. The water rights of the Vina farm are secure for all time, owing to the foresight of the owner, who secured the land along Deer creek which commands them, thus adding, with the irrigating system, fully a half-million dollars to the value of the property. The land which is devoted to the raising of alfalfa is the richest bottom land on the place, and immensely productive. The first hay crop is cut in May, after which the water is turned on, and, with the stimulus of the hot sun, another larger crop is ready for the mowers in six weeks. In this way four crops are taken from the same land, averaging six tons of hay per acre to the season, of a sweet and most nutritious quality, which is baled and stored for future use or market. After the last crop the cattle are turned upon the land, where they revel in the juiciest of food during winter. The wheat land, a light alluvial, lies along the river, and is very productive.

On the pasture lands there are about sixty Holstein cows, valued at $300 each. Milking is done at three o'clock in the morning and at three in the afternoon, an average milking being thirty pounds. Pansyne, while at the fair at Sacramento, gave eighty pounds of milk a day, while Clara Hamilton took a premium for giving 447 pounds of milk in four days. Cameo gave over 18,000 pounds of milk in a year, and still the cows are never made to give a larger quantity of milk than is natural.

Vina vineyard lies on the east bank of the Sacramento, with Deer creek as the northern boundary, the tract being three by three and a half miles in extent, and the California and Oregon railway passing through it. There is a comfortable mansion on the place, with good barns, granaries, and dwellings for the employés.

Twenty acres were laid off for a winery in the northeastern portion of the vineyard, but not more than half the tract has thus far been built upon, or put to use for this purpose. Back of the winery is the engine-room and distillery, which are complete in every department. The winery proper covers an area of 120 by 270 feet, being two stories in height at either end and three stories in the middle. It is the intention to have as nearly as possible a complete plant, with all the attendant auxiliaries. On the second floor are two steam grape-crushers, with a capacity of twenty tons an hour each, while on the third floor is the stemmer. When the grapes are brought in from the vineyard they are sent in a box elevator to the third floor, thrown into a hopper and passed through the stemmer, which removes the stems, after which they are sent to the crushers. The power in use is from a hydraulic ram, besides which there is a steam pump. The water supply comes from Deer creek. A tank with a capacity of 40,000 gallons furnishes a part only of the water supply; 50,000 or 60,000 gallons being daily required.

The fermenting-house is 105 by 157 feet, with a fourteen-foot roadway running through it paved with concrete, on either side of which are vats holding about 1,600 gallons each, and incandescent lights, so that work can be carried on day and night. It is divided into separate rooms for red wine and white wine, and with open vats four by ten feet in diameter. The capacity of the fermenting-house is 400 tons of wine in twenty-four hours. Hand and steam pumps are employed, the wine being moved by means of hand pumps. For protection from fire it is so arranged that any portion of the roof or interior of the fermenting-rooms can be instantly flooded. As much of the work as possible is done by machinery. The juice is pressed out by a hydraulic press driven by water power, and which is capable of sustaining a pressure equal to any that the timber can bear. It is conveyed from the fermenting-house to the still by means of tubes, and deposited in a large tank or reservoir outside of the still, and thence to an inner reservoir, as required.

In the distillery, where brandy is made, are two stills of the most approved type, with all the latest improvements. The fermenting-tanks are of redwood, and the storage-tanks of oak. The stills have a capacity of about 1,376 gallons of brandy every twenty-four hours, that being a day in the wine business. There is a Corliss engine pump of about 50 horse-power. The distillery runs about two-thirds of the year; the fermenting-house runs about two months. There is a dynamo, the ordinary Brush incandescent light, of sufficient power to run 150 lights. Then there is the sherry-house, which communicates with the storage-cellar, where the wine is deposited in vats by means of a force pump.

In the storage-vaults are five hundred 2,000-gallon ovals, besides three or four hundred 1,600-gallon ovals. The capacity of the storage-vaults is about 2,000,000 gallons. The floor is of concrete cement. The building is composed of brick, with hollow walls to maintain an even temperature. It is 268 by 298 feet, and 14 feet in the clear. The roof is made of brick, arches running through, 9 inches thick, and resting on wooden pillars, with a covering of earth or sand to prevent the heat from penetrating through. There is no machinery in this storage-room, excepting the pumps used for handling the wine. There is a tank with a capacity of 1,000 gallons used for mixing the wines. The floor is constructed with slight elevations and depressions, and with a general incline towards one side, so that the water will run off quickly to the sewer. The vaults cover nearly two acres of land. This building is also supplied with an apparatus whereby any part of it can be flooded in case of fire.

Care is taken in stemming and pressing that the seeds are not broken, lest a bitter taste be given to the juice. Contact with iron likewise injures the quality of the wine, but the coat of tartar which forms prevents the fluid from really touching the metal.

The effect of age on wine is to clarify it, so that there no longer remain any fermentable particles, and when it is drank there is nothing present to ferment in the stomach. The nitrogeneous and albuminous properties are removed in time by successive precipitations. The wine is made in October, placed in an air-tight vessel, and in December run into another vessel, leaving in one of the large ovals forty gallons of refuse. The operation is repeated; and at the end of a year yet more is removed. Finally, when all the fermentable properties and all undesirable substances are thus worked off, the wine is said to have acquired age. Through this process the finest qualities of the grape are brought out, and from this comes the bouquet. Some wine is fit to drink when six months old, and is as far advanced as other wines at sixteen months; but it is with wine as with other things, early ripening precedes an early decay. When the slower maturing wine is at its best, that which was at first palatable has become unfit for use. Discernment in the knowledge of wines is a natural gift, as the gift of oratory or of music. The connoisseur can judge of wines, and tell you the vintage of twenty different varieties without ever making a mistake. In order to be a good authority one must place one's self outside of prejudices in regard to soil, climate, or locality. One does not want the same kind of grapes for claret as for white wines. Certain varieties of grapes would not produce sauterne. The grapes here being introduced with a view to propagating them are the semillon, the sauvignon blanc, and muscatel de bordelai, all said to produce wines of the sauterne or chateau yquem order. These varieties do well here, or in fact in any climate which produces in the grape a great proportion of sugar; while in a cold country they ripen late, and their wine would be more like the ordinary dry wine, or white wine, lacking the peculiar mildness of sauterne. "We are hoping to make sauterne here," says the manager, Mr. McIntyre, "but we cannot tell anything about it till we try it. During the picking season we turn in the sheep and they eat up the leaves, and, at the same time destroy the parasites, particularly the eggs of the vine-hopper or thrip. Others have been turning in sheep since we first did it, so that it is beginning to be quite frequently done. Some buy a flock of sheep and turn them in among the grapes, and after they have eaten up all the leaves, turn around and sell the sheep again. Sheep thrive on it; and if there are any grasses growing among the vines they eat them too. Of course they tread a vineyard up somewhat, but if they are not turned in after a rainfall they will not hurt it much, otherwise they will pack the ground up and make it hard."

Both the owner and manager of Vina vineyard take broad views as to the effect for good or evil arising from the habitual use of wine. Its general use among the people as a beverage in the family, on the dinner table, is beneficial rather than detrimental. Whatever children are denied they are apt to crave the more. Men accustomed from childhood to the daily use of wine are less apt to fall into excess than when it is drunk occasionally in the way of sociability. From personal observation in Europe Mr Stanford became convinced that in wine-drinking nations was not found the most drunkenness. Very temperate wine-drinkers dilute their wine with water. When habitual wine-drinkers get drunk it is usually from whiskey or brandy. Said Mr Stanford on one occasion: "If I believed the use of wine was hurtful to the human race I would pull up every vine I have."

The natural fruit acids in wine counterbalance any injurious effect. These acids are required by the system to aid assimilation, and so healthily acting prevent the tendency to stronger drink. Wine has not the effect of alcohol. Speaking of the physical development of men who drink wine, you will find no more stalwart set of laborers than Spaniards and Frenchmen; they are strong, muscular, and able to endure sustained physical exertion. A man is built up according to his food, to a certain extent; wine enters into the physical composition very largely. When you look at the Greeks, for instance, you see splendid specimens of manhood; and there are places in that country where, as you pass along the road, a key is hanging within reach, and you help yourself to whatever you wish in the wine-vaults.

In the matter of labor for orchards and vineyards, boys from the city have been employed, some doing well; others are hoodlums and must be soon sent away; while still others are inclined to treat the matter as a holiday and play rather than work. There are kinds of work which white men will not do, and for which Chinamen are employed. The Chinese are good workers and will do as they are told when they once understand. The solution of the labor question as applied to orchards and vineyards will probably be in cutting up the large tracts. In entering upon this enterprise Mr Stanford's sole instruction to his manager was, "Whatever we do, let us do it well."

Mr Stanford regards California as the best wine country in the world, and he has personally examined most of the others. Her soil is generally rich, and the long dry season enables fruit to ripen properly. Finish cultivating in the spring and there are no troublesome weeds until winter. All through the summer no work is required to keep the land clean, so that undivided attention can be given to gathering when the fruit is ready. In France they have to work continually to keep the weeds down, which requires fifty per cent more labor than here. Then, in starting a vineyard, we can profit by the experience of others. In France the vines are too near together, the rows being but four feet apart, and the vines fifteen inches from each other. It was Mr Stanford who discovered that the vines having sufficient moisture are not subject to certain insect pests like those which have not. All kinds of remedies were tried on the supposition that it was due to a worm living in the ground, when Mr Stanford advanced the theory that it was not a worm, but a fly which laid its eggs in a crack, and if the crack was prevented from forming the vine could not be troubled. His vineyard can now produce over a million gallons of wine a year.

Chief executive of Mr Stanford's estates is his brother-in-law, Mr Ariel Lathrop, in whom is combined in a remarkable degree the ability to comprehend great plans thorough systemization and promptness of execution. Mr Stanford is often absent from the state for months, and judging from the perfect system of accounts in vogue at Palo Alto farm it is safe to say that every penny of the many millions expended each year can be accounted for, and vouchers showing the full transaction produced. Before coming to California to take charge of Governor Stanford's business interests Mr Lathrop had been engaged in the banking business at Albany, New York, and each field, herd, flock, and crop has its separate account as carefully kept as the books of a bank, and after a method devised by him so simple and complete as to require on the Palo Alto farm but a portion of the time of his clerk. The pay-roll of Palo Alto calls for an expenditure for labor of about $7,000 each month, and yet the time occupied in making the monthly payment is usually not in excess of one hour, each man signing the pay-roll. Everything is done on some system which experience had approved; nothing guessed at, nothing left to chance or luck. Mr Lathrop is an ardent admirer of the horse, and few men are his superiors in a close and critical analysis of the merits of the different animals on this vast establishment. He is justly proud of the success of Palo Alto farm and its horses.

And now let us turn once more to Mr Stanford's political career, of which some of the more important incidents still remain to be told. In November 1884, on the eve of the state and presidential elections he returned from Europe. Soon afterward, being called upon by a member of congress, one of his most intimate friends, the conversation turned on the republican choice for United States senator. It was Mr Stanford's wish that A. A. Sargent should be the man selected, and this he never ceased to urge on his friends. But by his own friends and by the republican party in general he was himself regarded as the proper candidate. In vain he protested; in vain he besought them to leave him alone; in vain he flatly refused to take any part in the coming campaign; his friends would make the fight for him, and this they did against all his protests and remonstrances. Thus in January 1885 he was chosen senator by the legislature of California. When the choice was made he received from the press of that state, without distinction as to party or preferences, an ovation as spontaneous as it was deserved, the vote which he received being the largest cast within a period of twenty years. An editorial in the leading journal on the philosophy of the senatorial election says: "Perhaps no higher, certainly no juster tribute can be paid to him than to say that he is precisely the same man now, in all that makes him representative and fit, that he was when the people first chose him, then a poor man, to lead the forlorn republican hope, over a quarter of a century ago. Defeat only developed his greater capacity for leadership, and while still a toiling merchant of narrow means, he was again put to the front of the new-born party and led the raw recruits of progress and intelligence to a splendid victory. As the chief executive of the young state he developed those masterly administrative qualities which gave him whatever of political prominence he now has. Since then he has become a man of wealth; but the narrow-sighted will make a grave mistake if they attribute to that fact his recall to political activity. His abilities ripened, his business capacity matured by two decades of unsurpassed experience; as a rich man he is unquestionably a more prominent and useful figure than when as a poor man he met defeat to succeed later on. But his reëlection, while not influenced by the factor of opportunity which wealth certainly gives, has a deeper genesis than that; it reverts to the manhood thus favored, lying back of the wealth he possesses. Rich in worldly goods as he is, he could not have been made senator, as he has been, had he not been Leland Stanford the man, considered apart from Leland Stanford the millionaire."

In regard to labor and capital, and particularly coöperation, Mr Stanford entertains pronounced views. There is a senseless antagonism between capital and labor, between the rich and the poor, between the conservative and the communistic. It seldom occurs to the rich or the poor that the poor are as necessary to the rich as the rich are to the poor; that were there no poor there could be no rich, though not *vice versa,* because in some communities we find the whole population poor, in which case there is little intelligence and progression. In the ultimate expression of our western civilization there is an influence which tends to make of all men one creation. If the generality of men were rich and the small minority poor, the latter might not unreasonably congratulate themselves upon possessing the true advantages of wealth in escaping its burdens. The low element from Europe, who do not hesitate to use force to gain their object, would, if they had the power, rule the whole United States; nor does it require the wisdom of a prophet to foretell the sad condition we would be in if such people had full sway. They confound power with liberty and license. They see the land in America so productive, and everything tending so greatly to comfort, that they regard wealth as all-powerful, and look upon the wealthy as their common enemy; whereas, a wealthy man needs but little more for his personal wants than a poor man; and if the wealthy had a just conception of their responsibilities, they could and would by the distribution of their patronage convince even these people that after all the wealthy are but the trustees of the masses.

The ideas of one should be the means of advancing many. In every coöperative association some have more advanced ideas than others, and which all may profit by. It is the general dissemination of knowledge by the press that accounts for the wonderful progress made in this country. The great discoveries in mechanics made during the present century have placed our ability to achieve grand results upon a much higher plane than ever before. Legislators should make laws which will assist the people, and enable the poor to coöperate. Coöperation is antagonistic to monopoly. Formerly corporations were created by kings and potentates as monopolies; but modern coöperation is not monopoly.

There are two sources of wealth, one for the material requirements of man, and the other liberty to enjoy. Both property and liberty depend upon production, and the nation which stores up wealth, like the individual with capital, is the most powerful and cultivated. There is no limit to man's wants until the limits of his powers of imagination are reached; and not even then, for they are never satisfied; appetite for riches is increased by what it feeds on.

There should be sympathy between employer and laborer; their interests are in so many respects identical; each is equally dependent upon the other. The value of labor depends upon the power of production. There will always be competition among employers, because whenever the percentage of gain becomes large others are tempted to adventure capital and labor in like direction. One will not hire another to work unless it be to the advantage of the employer, who can tell better than the employed what he can afford to pay. Therefore it is not for him who sells his labor to dictate the price. It is not for the idle to determine what the industrious and provident shall pay, for then would the improvident man and idler have a lien on the provident and industrious.

On the 20th of December 1886, Mr Stanford introduced a bill in the United States senate to encourage business coöperation in the District of Columbia. The bill declares association to be a natural right, the exercise of which enables persons of little or no means to unite their strength and intelligence in a common enterprise, and the passage of liberal laws will encourage the formation of such associations. Therefore, any two or more persons may associate for the purpose of conducting any lawful business, prepare articles giving the name and purpose of such association, place of business, term, number of managers, and capital; or if there be no capital employed, then the amount of labor to be performed by each member, and the manner of the division of profits.

On the 16th day of February 1887 he rose in the senate and said: "The bill which I have introduced provides for the association and organization of individuals with or without capital. It gives no exclusive privileges, and is intended only to aid the natural right of association. In a large sense, civilization itself rests and advances on the great principles of coöperation. The industries, the thoughts, the great ideas which produce vast and beneficial results, find their full development in association. Thus the discoveries in art and in science are distributed or availed of; and they inure to the benefit of the whole community, often to the whole civilized world. So the organization of individuals for a common purpose gives the strength, the capacity of the ablest to all in the association. The weakest, and the one of the least capacity, is brought up in advantages to the level of the best. The result of this association is to bring the individuals of the association closer to the entire fruits of their united industries. With a greater intelligence and with a better understanding of the principles of coöperation, the adoption of them in practise will, in time, I imagine, cause most of the industries of the country to be carried on by these coöperative associations. The coöperation of individuals in kindred pursuits would have the effect of furnishing, from their variety of labor, continuous employment. Thus a combination of men could even do farming, rendering for hire their services to the farmers, and might find that continuity of labor so important to the laborer and conducive to the maximum power of production which arises from constant employment.

"A country's prosperity must always mainly depend upon its power of production. This is to be brought about by the most intelligent direction and application of labor. Abundant illustrations might be given to show that the value of the labor of an individual, like the wealth of a country, will depend upon the power of production. The most notable example of this is to be found in the production of wheat in Egypt, in India, and in America. Wheat is raised in all these countries to compete in the same market—England.

The compensation to the laborer on the banks of the Nile is a red radish, in India about five cents a day. In my own state, California, the harvester receives $2 per day, forty times as much as his competitor received in India. Now these comparatively high wages could not be paid except upon a comparatively large production. The man in California receives forty times as much for a day's labor as a man in India, or the wages of one man in California equal those of forty men in India; and yet he competes successfully, because he avails himself of the genius of inventors —cuts and threshes and puts into a sack a hundred pounds of wheat for a cent and a half. And so in every other field of labor the compensation will always be in proportion to the production. The earth yields abundantly, through labor, to supply the wants of mankind. Her yield of supplies for the necessaries, the comforts, the elegancies, and the splendors of life are only measured by the amount of intelligent labor that is applied to the cultivation of the soil, to the working of mines, of quarries, and of forests and their products; and if there is want among the provident and industrious it must be for the lack of the intelligent direction and application of labor. How far these wants may be supplied by legislation is a problem, but I believe much aid may be given.

"In the history of nations want of the commonest necessaries has been the rule. Hitherto governments have been founded in force, maintained in force, and the principal thought has been to increase the force, or to so organize it as to preserve the government. Hence the large standing armies of Europe to-day. The theory of our government is that it was instituted for the benefit of the people; that there are unalienable rights, rights which are superior to constitutions and laws, securing the individual in his rights of liberty, property, and the pursuit of happiness, even to the extent of commanding the support of every other citizen in the whole country. These great principles, securing the freedom and the rights of the individual, insure to us forever a free government, so long as the intelligence of the people is adequate in appreciating the principles upon which their government is founded. Hence we need no great standing armies to overawe and menace the people, and our time and thoughts can be directed to their general development and to improvement in their condition. It is in the hope of strengthening and developing the intelligence and the productive power of the individual without capital, or with but little, that I have introduced this bill, believing it to be one great step toward attaining the highest possibility of abundance of the necessaries and comforts of life for every industrious and provident individual.

"I believe that coöperation will bring out the highest capacities of those engaged in it. It will impart to each individual the stimulus of knowing that he or she may enjoy the full fruits of his or her skill and energy in their calling. In those countries where there is the most intelligence there is the greatest use made of labor-aiding machinery; and where this labor-aiding machinery is used most, as in our country, there the compensation of the laborer is the largest. Even in Europe those countries that make most use of labor-aiding machinery have the best compensation for their labor. Occasionally there is evidence of apprehension that labor-aiding machinery may deprive the laborer of the demand for his services, but any apprehension of that kind must readily disappear with the reflection that the wants of humanity are as boundless as the intelligence and capacity to conceive. With the ignorance of the Digger Indian there are few wants, no intelligence to conceive, and the demand for the labor supply of others is of the most limited kind. The more intelligent the people the greater are their wants, and with those increased wants the greater the demand for labor; and, in the universality of labor, the greater the capacity of individuals and communities to make exchange of their productions.

"I have the hope and the faith that the principles of our government, of our great bill of rights as set forth in the declaration of independence, will yet pervade the whole civilized world; and as these ideas are adopted, and as they expand into the control of governments, so will disappear great standing armies; non-producers will be changed into fruitful producers, adding to the comforts and happiness of humanity. Then the principal attention of the governments will be directed toward developing the arts of peace, and making humanity more happy. On proposing the passage of a law of this kind there is in it only an extension to persons without capital of the provisions that have existed heretofore in the laws provided for the association of those with capital. There is no invasion of the principles of association which have, happily, done so much in the development of the resources of our country, and proved such a stimulus to its industry. The principles of coöperation of individuals is a most democratic one. It enables the requisite combination of numbers and capital to engage in and develop every enterprise of promise, however large. It is the absolute protection of the people against the possible monopoly of the few and renders offensive monopoly, and a burdensome one, impossible. The only possible monopoly, with these laws in existence, is one of beneficence, and to the extent that the wants and condition of the people can be better supplied than by any other means. So far, only, can there be a monopoly in our country under these laws of coöperation.

"One of the greatest advantages of association of this kind is that in case of disagreement, death, or failure of individuals, the organization goes on; and in this respect it is freed from the disadvantages of an ordinary partnership. Besides, the diverse capacities of the different individuals, whatever they may be, unite to make up a great whole of strength and of large capacity. One of the difficulties in the employment of women arises from their domestic duties; but coöperation would provide for a general utilization of their capacities, and permit the prosecution of their business without harm, because of the temporary incapacity of the individual to prosecute her calling. And if this coöperation shall relieve them of the temporary incapacity arising from the duties incident to motherhood, then their capacity for production may be utilized to the greatest extent. Very many of the industries should be open to and managed as well by women in their coöperative capacity as by men. The moral influence of coöperation is very great. All in the organization are interested in the welfare and good conduct of every other member. All the good influences of the whole are brought to bear in favor of the individual, and all the individual members unite to make the whole most powerful for the accomplishment of results."

The objects to be attained by the bill were more fully explained by Senator Stanford in conversation with a representative of the New York *Tribune* in San Francisco. This I shall give in full, since it contains a most lucid and forcible exposition of the mutual relations of labor and capital, and of the advantages of coöperation. "The great advantage to labor," he said, "arising out of coöperative effort has been apparent to me for many years. From my earliest acquaintance with the science of political economy, it has been evident to my mind that capital was the product of labor, and that therefore, in its best analysis, there could be no natural conflict between capital and labor, because there could be no antagonism between cause and effect, between effort and the result of effort; and, since capital is the product of labor, there could be no conflict between labor and its product. Keeping this fundamental principle in view, it is obvious that the seeming antagonism between capital and labor is the result of deceptive appearance. I have always been fully persuaded that, through coöperation, labor could become its own employer. The investment and employment of capital is dependent entirely upon the product of the labor employed by it. All active labor is merely capital employing labor. It is out of the product of labor so employed that capital is rewarded. Capital invested in a manner not to require the employment of labor is dead or idle capital. Money invested in land where the land is not cultivated, or in buildings which are untenanted, is as idle as if the gold and silver invested in them had never been mined; but all capital employed in manufactures, in agriculture, in commerce, in arts, in transportation is active capital, and it is sustained and supported in activity wholly out of the result of the labor it employs. Labor and capital, thus associated, then create all the reward which inures to them.

"All things have value in proportion to their susceptibility of becoming valuable by the addition of labor. The ore in the mind has value only because of its capability of being converted by the application of labor, under the direction of enterprise, into things useful to man. Land is valuable only in proportion as it is capable of yielding to the labor expended upon it a return in the way of products adapted to supply human wants. The value of everything in the raw or unwrought material depends entirely upon its susceptibility of being converted into property, and the conversion of the original raw materials into property, in the way of wares, merchandise, fabrics, or works of art, resides wholly in their capability, under the manipulation of labor, of being so converted.

"Thus again we find the wealth of the world to be in the product of labor. Labor is the creator of capital, and capital is in the nature of stored up force. It is like the balance-wheel of an engine, which has no motion which has not been imparted to it, but is a reservoir of force which will perpetuate the motion of the machinery after the propelling power has ceased. A man takes a few thousand dollars of capital, builds a workshop, buys raw material advantageously, and engages a hundred workmen to manufacture boots and shoes. This is the foundation of enterprise. The employer of labor is a benefactor. The great majority of mankind do not originate employments by themselves. They either have not the disposition or the ability to so originate and direct their own employment. Whatever may be the fault, it is true that the majority of mankind are employed by the minority. Capital directed by intelligent enterprise is a vast benefactor to man. The man who, through others, makes to grow two blades of grass where but one grew before, is a benefactor to mankind in the largest sense; but suppose that each of the one hundred workmen employed produce in excess of his wages the value of one dollar a day. One dollar a day for each aggregated gives one hundred dollars per day to the employer. The profit to the employer then is one hundred dollars per day. In the aggregate the one hundred men employed, by associating their effort and their credit, and possibly their capital, could command a sufficiency of that reserve force which we call capital to build the shop and purchase the material with which to start business. If they do not possess the capital in the aggregate, I am fully persuaded that one hundred industrious, sober, skilful mechanics, agreeing to combine their labor, industry, and intelligence, would possess sufficient credit to command the capital necessary to lay the foundation of enterprise. As between this outline of coöperation and the old system of permitting labor to be hired and directed by one who, in the prosecution of beneficial enterprise, originates employment for these one hundred men, there is a difference in favor of coöperation of one hundred dollars a day, that amount being the premium which the one hundred men used in illustration would pay to some one else for originating their employment and directing their skill.

"It should be borne in mind that the labor employed not only creates its own wages, but creates the premium which the enterprising proprietor receives for originating the employment. Viewed from this standpoint there is a sense in which the labor so coöperating is hiring an employer—that is, it is paying a premium to enterprise to originate and direct its employment. Capital is paramount, and labor subordinate only because labor consents to that form of organization in our industries which produces that result. The value of coöperative effort has had many practical illustrations, some of which have come under my observation. In the early history of mining in California some of the largest and most profitable mining enterprises were projected and carried on by association alone. A large number of men possessed of productive capacity, but without capital, combined into coöperative relation, energy, and ability equal to the accomplishment of the work in hand. The work to be done required so many days of labor. By their association they contributed to a common fund, as it were, a laboring capacity equal to the work to be accomplished. If these enterprises had been projected by a single capitalist, the first step would have been to engage an amount of labor necessary to the accomplishment of the work—that is, to purchase the labor. Instead, therefore, of selling the labor to a single far-sighted and enterprising employer, these men contributed by subscription the amount of labor required to be performed. The work accomplished in this way gave all the result attained to the labor expended upon it.

"Undertakings of great magnitude are more profitable than the more inconsiderable enterprises, because the greater undertakings require greater aggregations of capital, and the possession of large capital is enjoyed but by few. There is no undertaking open to capital, however great the amount involved, that is not accessible to a certain amount of labor, voluntarily associated and intelligently directing its own effort. When an individual employs one hundred or one thousand men in the manufacture of wares, in the construction of buildings, or in the prosecution of any kind of enterprise, he has in fact formed an association of labor. The efforts of the men employed are associated in the accomplishment of any desired result, and it is out of the result of such effort that all the wages and all the premium to the employer are to be produced. The employers of labor are the greatest benefactors to mankind. They promote industry; they foster a spirit of enterprise; they conceive all the great plans to which the possibilities of civilization invite them; and the association of laboring men into coöperative relation, which in a large measure can take the place of the employer class, must therefore of necessity be ennobling.

"There is a mischievous belief among laboring people that enterprises with large backing of capital offer a better guaranty of employment. This is not true. The only guaranty of employment is its profitableness. Capital cannot afford continued employment to labor at a loss. Unless the product of the labor yields a sufficient return out of which wages may be paid, and the enterprise and skill of the employer properly rewarded, and the use of the capital also rewarded, the enterprise will of necessity be abandoned. In short, coöperative associations for the prosecution of any undertaking stand in exactly the same relation, possess precisely the same chances of success, if the effort is as intelligently directed, as do the same kind of enterprises projected by individuals and sustained by capital. As between the two great plans, the coöperation of labor, or the employment of labor by itself, and the hiring of labor for wages, or employment of labor by enterprise, intelligence, and capital, the latter has no advantage over the former in the way of a guaranty as against loss. The product of labor alone insures its employment, because employment of labor cannot continue beyond the point at which it is profitable. In the aggregate, labor produces all the money paid back to it in wages, and all the margin of profit which inures to the employer. It is preëminently right and just that the employers of labor and capital employed in producing activity should be rewarded. Labor owes a continuing debt of gratitude to the enterprise and intelligence of the employer class. The thought, attention, intelligence and skill necessary to originate profitable labor is, in fact, a separate department of human activity. In past times, when labor was less intelligent than now, when the opportunities for education among working-men were more restricted and limited than at present, an intelligent employer class originating and directing labor was indispensable. What I believe is, the time has come when the laboring men can perform for themselves the office of becoming their own laborers; that the employer class is less indispensable in the modern organization of industries because the laboring men themselves possess sufficient intelligence to organize into coöperative relation and enjoy the entire benefits of their own labor. Whenever labor is sufficiently intelligent to do this, it should not wait patiently for its own employment by capital and enterprise, because whoever is competent to furnish himself employment, and therefore receive the full result of his own effort, and hires out his time, is thereby rendering a voluntary servitude to capital; and every man possessed of industrial capacity is in possession of capital, for it is out of that industrial capacity that capital is sustained in activity.

" Sufficient productive capacity may be associated for the prosecution of almost any enterprise, however great its magnitude, because, as we have already seen, the employment of labor by capital, is in a sense a form of associating labor in the prosecution of undertakings, the difference being that voluntary association of labor into coöperative relation secures to itself both the wages and the premium which, under the other form of industrial organization, would be paid to the enterprise directing it and to the capital giving it employment. Capital appears to have an ascendancy over labor; and so long as our industries are organized upon the divisions of employer and employé, so long will capital retain that relation, but associated labor would at once become its own master. The political economists and the communists have much to say concerning the distribution of wealth. They are constantly declaring that while our country presents the spectacle of a government wherein there is an equal distribution of political power, there is a great disparity of condition with reference to the possession of wealth. Many writers upon the science of political economy have declared that it is the duty of a nation first to encourage the creation of wealth, and second to direct and control its distribution. All such theories are delusive. The production of wealth is the result of agreement between labor and capital, between employer and employed. Its distribution, therefore, will follow the law of its creation, or great injustice will be done. The individual who comes to you claiming that because you have more than himself you should divide a part with him, is claiming a percentage in your manhood, a share in your productive capacity. He is denying to you the right to produce, either with your own labor, as you have a right to do, or through the employment of the labor of others, which you have an equal right to do, more than a bare subsistence for yourself. The only distribution of wealth which is the product of labor, which will be honest, will come through a more equal distribution of the productive capacity of men, and the coöperative principle leads directly to this consummation.

"All legislative experiments in the way of making forcible distribution of the wealth produced in any country have failed. Their first effect has been to destroy wealth, to destroy productive industries, to paralyze enterprise, and to inflict upon labor the greatest calamities it has ever encountered. So long as labor, which is sufficiently intelligent to originate its own employment, consents to a voluntary servitude of paying a premium to those who originate their employments, so long will the many remain comparatively poor. As at present organized, the industries of the world are under the direction of employers. A man may possess industry and productive capacity and skill, but he must first make an agreement with an employer before he can make these qualities valuable to himself. When the lord of the vineyard at the eleventh hour of the day found the idlers in the market-place, and questioned them concerning the reason of their idleness, the reply was: 'Because no man hath hired us.' They were waiting, just as a very large percentage of the laboring world has waited, for some one else to open avenues of employment. But aggregated into coöperative relation, intelligent, educated labor possesses the capacity for the accomplishment of any undertaking or enterprise, and need not wait for an individual called an employer to associate its effort, and direct and control the industry out of which it earns its wages and pays premium to capital.

"Under the present organization of our industrial system it is idle to say that the men in the market-place could have found something to do. It is equally idle to say that there was a conflict between their interest and those of the lord of the vineyard who gave them employment. He was in that instance their benefactor. But intelligent labor need not wait until some man has hired it. It can by coöperation employ itself. There are mills and factories and workshops employing large numbers of skilled hands, wherein the capital employed is far less than the aggregate of money owned and controlled by the operatives, and yet the operatives by their own voluntary consent are dependent for employment entirely upon the thought, the intelligence, and the enterprise of an employer. It cannot be denied that they receive a rate of wages calculated upon the basis of a productive industry which will create the wages paid to them, and also create a profit to the capital and enterprise employing them. There is no natural conflict between capital and labor even in this relation. There is no conflict between the capital invested in the plant of a manufactory, and the raw material upon which labor is expended, on the one side, and the labor itself on the other, because the plant and the material themselves are the product of labor. The real conflict, if any exists, is between two industrial systems. Labor desires that the premium paid for its employment be small. If it could succeed in eliminating that premium altogether it will leave no encouragement to the employer class; and, as we have already seen, under the present system the employer class is not only indispensable, but is a great benefactor. If, however, there were no profit whatever to the employer class then practical coöperation would be realized.

"When, therefore, men ask for higher wages, and demand that the margin of profit to the employer shall be less, they are merely demanding a nearer approach to the realization of coöperation. The country blacksmith who employs no journeymen is never conscious of any conflict between the capital invested in his anvil, hammer, and bellows, and the labor he performs with them, because in fact there is none. If he takes in a partner, and the two join their labor into coöperative relation, there is still no point at which a conflict may arise between the money invested in the tools and the labor which is performed with them; and if, further, in pursuance of the principle of coöperation he takes in five or six partners, there is still complete absence of all conflict between labor and capital. But if he, being a single proprietor, employs three or four journeymen, and out of the product of their labor pays them wages, and, as a reward for giving them employment and directing their labor, retains to himself the premium which they, in fact, also create and which justly belongs to him, the line of differance between the wages and the premium may become a disputed one ; but it should be clearly perceived that the dispute is not between capital and labor, but beween the partial and actual realization of coöperation. The partnership relation was an actual realization of coöperative effort. As intelligence has increased and been more widely diffused among men, greater discontent has been observable, and men say the conflict between labor and capital is intensifying, when the real truth is, that by the increase of intelligence this premium will be eliminated altogether, because labor can and will become its own employer through coöperative association.

" In addition to the many advantages which coöperation confers upon the material prosperity of the laboring classes, there are great and significant benefits to ensue to the character of men. The employé is regarded by the employer merely in the light of his value as an operative. His productive capacity alone is taken into account. His character for honesty, truthfulness, good moral habits, are largely disregarded, unless they interfere with the extent and quality of his services. But when men are about to enter partnership in the way of coöperation the whole range of character comes under careful scrutiny. Each individual member of a coöperative society, being the employer of his own labor, works with that interest which is inseparable from the new position he enjoys. Each has an interest in the other; each is interested in the other's health, in his sobriety, in his intelligence, in his general competency, and each is a guard upon the other's conduct. There would be no idling in a coöperative workshop. Each workman being an employer has a spur to his own industry, and also has a pecuniary reason for being watchful of the industry of his fellow-workmen. The character of men invariably arises with the assumption of higher responsibilities, and with the accession of men to the higher plane of becoming their own employers there is to be a corresponding accession of more ambitious and interested activity and high character. The bill I have introduced in the senate of the United States, if it should become a law, in addition to the opportunity it would afford for the formation of coöperative societies, would do much to attract attention to the value of the coöperative principle upon which our industrial system should be founded. It will be a governmental attestation of the value of the coöperative principle, which alone can eliminate what has been called the conflict been capital and labor.

"There are still higher considerations connecting themselves with this great subject. Take, for instance, the influence of coöperation upon the rate of wages to the employed class. In a coöperative association conducting a business and dividing the entire proceeds of the business the dividends so created would exceed the ordinary rate of wages. The best mechanics and the best laborers would, therefore, seek to acquire a position in a coöperative association. The reward of labor being greater by coöperation, the employer would have to offer additional inducement to labor to remain in its employ, because the superior attractiveness of the coöperative plan would incite them to form societies of this character and employ their own labor. It would, therefore, have a direct tendency to raise the rate of wages for all labor, or, in other words, to narrow the margin between the amount paid for labor and its gross product. Its effects expand in various directions by contemplation. There would be a greater consumption of labor, because of the greater prosperity of men in coöperative relation. All men labor to gratify their wants. Civilization means simply multiplicity of wants, and the wants of men are limited only by their intellectual capacity to perceive them. As the mind grows and expands it perceives new and varied wants. You cannot have failed to notice that in proportion as men are able to gratify the higher tastes their dwellings begin to show the improvement in their condition. They have better carpets, musical instruments, pictures and books ; comforts and even elegancies appear with the ability of men to purchase them. All these things are the result of labor. If there are more men able to own and enjoy them there is a greater demand for labor in their production. So the demand for labor increases continually with the growth of civilized conceptions.

"Every improvement in the method of production brings some article of comfort or elegance within the reach of a large number of people and makes a greater demand for labor in its production, and at this point the interdependence of all men comes into view. A man may own a piece of land, but he is dependent upon the labor of others for the instruments with which to till it. The owner of a piece of land who has nothing but his hands with which to cultivate the soil is powerless to make it productive. Take the most primitive agricultural implement—a spade. When his hands are supplemented, and aided by a spade, he may stir the ground and plant something. This he could not do were his hands not supplemented with tools, and these tools, you will observe, are the product of the labor of others. A spade is a very simple garden implement, but its history would be the history of civilization—a history of all the progress that has been made in the mechanical arts. From the mining of the ore through its smelting, its conversion into steel, its manufacture into the form of an agricultural implement, there are many processes, and these processes represent the advancement of thought and skill in the mechanical world. But the man I have supposed to own the land is powerless without the assistance of others. He cannot make a movement in the way of tilling his land without setting some one to work to manufacture implements with which that tillage shall be done.

"In every branch of human thought, every other department of activity and industry is called into requisition. The musician who composes music must express it upon a musical instrument—a piano or violin—and the instrument is the result of mechanical skill. As that skill advances, new expressions become possible, and hence the science of music is constantly promoted by reason of the improvement in the mechanical construction of musical instruments. The astronomer must use mathematical instruments. The observatory of the astronomer is called into requisition, and with it all the mechanical arts made use of in its construction, from the lense of the telescope to the stone in the foundation of the building. Taken as a whole, society is a grand coöperative association. As a whole it is a unit, and this unit is divided into departments or branches of mechanical activity and scientific inquiry, and these are mutually dependent upon each other. The demand for the product of labor is unlimited. There can be no such thing as over-production, so long as there remains a single human being with wants to supply.

"I say the demand for labor is unlimited, because the capacity of the human mind to conceive new wants is unlimited. With every advancement in civilization there is a corresponding enlargement of the range of wants. Every year introduces something into the wants of man which requires activity in a new field of labor to supply. The earth, the source from which all wants are supplied, is an inexhaustible mine. We have, then, the unlimited advancement and extension and multiplicity of human want, and we have an unlimited source with which those wants may be supplied. The condition of labor rises with the advancement of civilization, because with multiplicity of wants the demand for labor increases, and wants advance in proportion as they may be supplied. The human mind ceases to demand things that are impossible of gratification. But with the possibility of supplying wants they come into existence, and with them new fields of activity for human labor are opened. It is for this reason that labor-aiding machinery is a continued blessing to labor.

"In fact, the difference between the civilized and uncivilized man is a difference of the extent to which the hand of man has been supplemented by tools and implements. The Indian on the plains of Nevada, with his unaided hand, presents no evidence of civilized capacity or productive power. With him the primitive problem of sustaining existence has not been solved. His hand is not supplemented by tools and implements, and his unaided hand finds constant employment in obtaining the mere necessities of physical existence. It is therefore impossible for him to enter any higher realm. The use of tools and implements, which eventually expand and broaden and multiply into the most complex labor-aiding machinery, is the point of departure between barbarism and civilization. As soon as uncivilized man perceives the value of an axe with which to cut down the trees of the forests, he finds eventually the value of a saw. He learns to propel this saw with steam or water power, and thus his hand is aided. He can now do something more than sustain mere physical existence. Some of the intellectual wants of his nature may now be supplied, and with the intellectual activity necessary to the manufacture of an axe or a saw or a spade he has acquired more intellectual force and power, and this is inseparable from the acquirement of diversified wants. His capacity to perceive new wants has been enlarged, and as soon as want is felt effort will be made to supply it. The uncivilized man, like the Indian of the plains, has never felt higher wants. When his physical wants are gratified, he falls into a condition of sloth and indolence, if indeed he has time for indolence, for in a barbarous condition, with the hands unaided by implements, it requires constant effort, diligence, and industry to obtain the means of supporting mere physical existence. It therefore follows that every discovery in economic science which makes the production of things useful to man cheaper, and every new want that is felt by man in his progress toward higher civilization, enlarges the field of labor.

"Coöperation will add new energy to civilized life, because it will increase the prosperity of laboring men, and enlarge in every respect the scope of their lives. The capacity to perceive a diversity of wants, the power of the mind to feel and acquire new wants, being unlimited, and the things necessary to their gratification being produced alone by labor, the demand for labor is limitless, and that demand will increase in the proportion as men have capacity to perceive greater diversity of want. The untaught barbarian, notwithstanding the effort required of him to maintain physical existence, consumes but little labor. Civilized man is a vast consumer of labor. Every article of furniture in his house, the house itself, the garden, the grounds, the books, the papers, and the musical instruments, are all the result of labor, and each civilized man is therefore consuming in his lifetime the result of a labor equal to the productive capacity of many hundreds of men whose hands are unaided by labor-aiding machinery.

"The introduction of the coöperative principle into the industrial systems of our country means a general advance in the conditions of all classes. It means the awakening in the minds of a greater number of people of the complex wants of civilization, and will bring within the reach of all increased gratification.

"The conclusion that the multiplicity of civilized wants places a strain upon certain classes among civilized men who have not sufficient intellectual capacity to keep pace with the civilization which surrounds them, and that they are therefore relegated to a condition of poverty which gives great emphasis to the disparity of condition between the rich and the poor, that, in short, civilization presents the strong lights and shadows of great luxury and abject poverty, grows out of our lack of observation of the same phenomena among uncivilized men. In a state of barbarism there is an utter absence of all unselfish helpfulness. The strong prey upon the weak. There is a greater disparity of condition between the hunter who is able to pursue the chase, and the indigent, aged and infirm, than between the rich and the poor in civilized life, and for reasons which have already been alluded to; that is, we have found that the point of departure, the very line of separation which leaves barbarism on one side and introduces civilization on the other, is at that point where the hand of man is supplemented by labor-aiding machinery, tools, and implements.

"We have found that with the introduction of labor-aiding machinery life is enlarged, its possibilities widened and expanded. The primitive problem of maintaining physical existence being solved, the intellectual and spiritual wants of man may be ministered unto. When man, through the assistance of labor-aiding machinery, may be able to produce in his lifetime an amount sufficient to maintain the physical existence of a hundred men, then he has a margin of capacity to supply his intellectual, æsthetic, and spiritual wants in excess of the demand made upon him to maintain the physical existence of ninety-nine men. Out of this surplus he is at liberty to conceive new wants, because the means to gratify them are within his reach. Now, among the natural wants of man is the desire to see those around him happy. In a state of barbarism the demand made upon the energy of one whose hand is not supplemented by implements is such as to confine him to the solution of the problem of his own existence. He has no surplus capacity which he may generously devote to the assistance of others. His own existence is at all times precarious. He does not add to the productive capacity of the soil by tillage. He subsists, for example, upon roots and berries which are allowed to grow, and his method of treating this natural food is such as to produce its production year by year. For meat he subsists upon the animals of the forest, chiefly animals of the cervine species, and it is a fact of universal observation that the barbarian slays the game at such time as to reduce their numbers.

"Barbarism, then, adopts and pursues methods of subsistence which constantly diminish the capacity of the earth to sustain human life. Civilized methods constantly increase the capacity of the earth to produce things necessary to man. Improved methods of cultivation may render a single acre capable of producing an amount of human food equal to that produced by twenty acres in the past. The Malthusian theory of population, with which every student of political economy is familiar, predicted a limitation upon the numbers of the race by assuming a ratio of increase between the food product and the increase of population. It contended that population increased in a geometrical ratio, while the food product increased only in an arithmetical ratio, and that therefore the capacity of the earth to produce food would not keep pace with the increase of population. This theory of population advanced by Malthus failed because he did not make allowance for the great progress which has been made in inventions, nor for the improved methods of cultivation which civilization has introduced.

"The real truth is that the capacity of the people of the earth to produce food is much greater in proportion to their numbers than during the time of Malthus. Take an example which is very near at home. The agricultural population of California does not exceed one hundred thousand people. There are not in excess of 20,000 adults engaged in agricultural pursuits in California, and yet these 20,000 men produce an annual export surplus equal to from one million to twelve and thirteen hundred thousand tons per annum. One million tons of wheat per annum will furnish breadstuffs for ten millions of people. Here, then, in California twenty thousand people, by the assistance of labor-aiding machinery, are producing in a single year bread sufficient to feed ten millions of people a whole year. Right under our own observation, then, 20,000 men produce in a single year bread enough to feed five hundred times their own number. In a state of barbarism, or even in the more primitive stages of civilization, this result would have been impossible. In fact, in a state of barbarism the individual with his bare hands, and possibly a few rude implements of agriculture or hunting equipments, is barely able to support himself and minister to his own physical wants. Conditions in a state of barbarism may appear to be more nearly equalized to the superficial observation, because all are on the dead level of abject poverty, below the line of which there is submergence or actual starvation.

"I have already said that the wants of men are limited only by their intellectual capacity to perceive them. Let me add to that a most obvious fact: with the capacity to perceive wants, the power to find the means of their gratification is also very greatly increased. In low conditions of civilization the wants are few and the productive capacity correspondingly low. In a high civilization wants are multiplied and become more complex, and the capacity of man to supply them is augmented even in a much greater ratio than the capacity to perceive them. In stages of civilized development where the wants are but few and the habits of life very simple, the use of labor-aiding machinery is also very limited; but with the expansion of the mind under civilizing influence the inventive genius rises, and while new wants have birth in the mind, still greater capacities for producing the things required to gratify these wants are also engendered.

"When you meet with a man who is poorly clad, poorly fed, living in a state of poverty, you are always beset with the painful reflection that the unused portions of the earth would offer a broad field for the application of that man's productive capacity, which would yield him and his family an abundance. When you see a man without employment and reflect that but a small area of the earth, from which all the wants of man are supplied, is under cultivation, and therefore but a very small proportion of the earth yielding its abundance to supply the wants of man, the contemplation is necessarily saddening. The fault is with the organization of our industrial systems. The individual so circumstanced belongs to the class of people who wait the action of an employer, instead of originating employment for themselves. Now, the employer class originates employments only for the gratification of its own wants. The hirer of labor uses other men in the employed relation only to the extent that his own wants demand.

"Those therefore, who, having productive capacity, remain in poverty belong to the class who constitute the surplus over and above the numbers required to satisfy, by the product of their labor, the wants of the employer class. The numbers belonging to this surplus class would be constantly diminished, and would eventually disappear, under the operation of the coöperative principle. In the first place, coöperation would so improve the condition of the workingmen engaged in it that their own wants would be multiplied, and a greater demand for labor would ensue; and, in the second place, too much importance cannot be attached to the fact that no man can do anything unless he has first received a preparatory education. This is just as indispensable in an employer of labor as it is in any other department of human activity. The number of employers of men will necessarily be limited to the number who have the capacity to accomplish profitable results through others. Coöperation would be a preparatory school, qualifying men not only to direct their own energies but to direct the labor and skill of others.

"Let us illustrate this plainly and simply. Suppose that, to-day, for every one hundred men engaged in manual labor there is but one employer, who is originating employment for the other ninety-nine. This one individual, it may safely be presumed, is the only one among the one hundred who is qualified to successfully direct to a profitable issue the productive capacity, the skill and the industry of the others. Now, suppose that twenty out of these one hundred form a coöperative association, and thereby become the employers of their own labor. Each begins by first directing his own. Having mastered this problem, each is now prepared to take the next step, and to become the employer of others. Here, then, a coöperative asssociation becomes a school in which employers are educated, and eventually, instead of one man in one hundred having the requisite capacity to direct the capacity of others, you have twenty-one, because the coöperative association has qualified twenty new men for the high and beneficial office of originating employments and directing successfully the productive energy of their fellow-men. With the increase in the number of those qualified to profitably direct the employments of their fellows, there is to be a corresponding increase of the numbers demanded by the proprietor or the employer classes, and with the increase of the number of employers there is necessarily a corresponding intensity of competition between them in the field of originating employment. This competitive relation alone would raise the reward of labor. Increase the number of those who have sufficient capacity to originate employment, and derive a profit out of directing the energies and industries of their fellow-men, and you necessarily increase the demand for employés. Thus coöperation will increase the number of those qualified to originate employments, and thus import into the industrial system a competition among the employer class, a condition highly favorable to the employed.

"If I have been so fortunate as to make myself clearly understood, you will perceive that the underlying difference between an industrial system conforming to the principles of coöperation, and one dependent upon perpetuating the relation between employer and employé, is one which addresses itself directly to the distribution of wealth. In the employed relation the number of men an individual can employ is limited only to his skill and capacity as an employer, and to the amount of profitable and productive employment he is able to offer. There are individuals, and associations of a small number of individuals, who are employing large numbers of men. I have no statistics at hand which would enable me to state with accuracy the highest number employed by a single individual, but I assume that there are those who employ in the enterprises projected and carried forward by themselves as high as 20,000 men, women, and children.

"There is a single stationer in the city of London who employs in a single building in printing, in engraving, and lithographing, 3,600 men, women, and children, and the same individual employs fully as many more in the manufacture of paper, envelopes, etc. Here is a joint effort having two distinct departments. On the part of the employer, the problem to be solved is the purchase of material, economic direction of labor, and the sale of manufactured goods. Subsidiary to these, it is the office of the employer to discern clearly the tastes and demands of the public, and not only to supply a demand already existing, but to promote or create additional demand. The manufacturer who has no regard for merchandise is liable to operate at a disadvantage. The merchandising side of the effort, therefore, becomes an incident of successful manufacture. Moreover the problem of success requires skill in the purchase of material, which, as we have seen, is merely a form of labor not performed under his direction, and also the promotion of skill, industry, and diligence among his employés. The profitable employment of so large a number of men, and the successful solution of all the problems involved in a very high office require a broad range of faculty, great breadth of view, vast executive capacity, systematic economy in the various departments, and tireless commercial activity. The financial success of such a man in the natural order of things will be greater than that of any single individual employed by him. A small profit arising upon the production of each of several thousand persons in his employ, when aggregated, will make in the course of a business career a large accumulation in his hands, and proportionately to the number employed the proprietor class will necessarily accumulate comparatively large fortunes as compared with the laboring class. Likewise the merchant who is distributor of the product of labor, and stands between the producer and the consumer, devotes his time, his thought and his energy to the accumulation of profits arising out of production due to the labor of others. The office of the merchant is a beneficent one. He performs the very necessary function in the commercial organization of distributing economically the product of labor.

"The division of human labor into separate departments of activity has in all times been recognized as highly advantageous. The object of all production is the exchange of labor in these separate departments. The shoemaker devotes himself to the manufacture of shoes and boots, and thereby acquires great facility in the trade, but his own necessities are varied, and a great variety of trades and callings are brought into requisition to supply his wants. The wares he produces must be exchanged and the merchant is the medium of exchange. If the office he performs is conducted strictly in accordance with true mercantile principles, it is an indispensable one to the profitable exchange of the varied products of the various departments of human activity. All these various offices, to be successfully and advantageously filled, require special preparatory education and experience. Successful merchandising is as much the result of trained faculties, broad and enlightened intelligence and skill, as the making of a good watch. Underlying every occupation and indispensable to success, there are certain fundamental principles which must be clearly comprehended and completely mastered, and the possession of the knowledge of these principles and of their application to business is in each instance a profession or calling, or, as we may say, a trained occupation. The producer of things useful to men lives in what we may term for the purpose of illustration, the world of production. The employer class and the distributing class may be said to live in a realm of accumulation. Coöperative efforts associate these two great departments, and combine them in one and the same body of men. Coöperation being a method by which an individual employs his own labor, and thereby accumulates the premium which under the opposite system of industry inures to the benefit of the employer; it becomes at the same time a more effective method of accumulation.

"The advantage of coöperation being established, the question naturally arises how can it be effected? The bill I have introduced into the senate of the

United States is designed to be the practical instrument of coöperative organization. It will give legal definition and status to coöperative institutions. It is designed to define clearly the relative rights, duties and obligations of individuals in a coöperative relation, and also the legal relations of such institutions to individuals, corporations and other coöperative institutions.

"At the very threshold of coöperative effort we find that the coöperative association must perform for itself the offices that have been performed by the employer, by the purchaser of materials, by the director of labor, and by the merchant. Coöperation is not itself designed to eliminate, and could not eliminate if it was so designed, these offices from human activity. What is designed is that labor shall perform these functions for itself; unless they are performed with the same executive qualifications necessary to success under the opposite system they will result in failure. The first thing necessary, then, is a plain recognition on the part of those intending to unite their labor into coöperative relation of the necessity for an intelligent direction equal to that which directs labor in the employed relation, for equal executive ability in the purchase of materials, the distribution of labor, the direction of skill, and the sale of wares. Success in all these departments of activity is as much dependent upon capacity and preparatory education as mechanical skill or professional acquirement.

"The first step, therefore, will be for those engaged in calling or craft to associate a chosen number who, availing themselves of the provisions of the bill, will form themselves into a legal organization wherein their duties and obligations are defined by law. The second step is to select from their number executive officers who, by reason of their experience and special fitness, are qualified to perform the higher offices of directing to an intelligent issue the coöperative effort. This enforces a clear recognition of several things, chief among which is that productive labor, however intelligent or skilful in the realm of its special production, requires intelligent direction to reach successful results. Due regard must be had for the special department of labor in which the coöperation is undertaken. Thought must be bestowed upon the quality and character of the wares and merchandise produced. Judgment was to be exercised in the apportionment of labor to those most skilled in its separate branches. Executive ability must be employed in the financial department of such an undertaking. Thus executive ability, financiering skill, clerical accomplishment, and, in short, in the exercise of all the varied qualifications which combined guarantee to the employed relation all the success it has ever achieved, are necessary to a coöperative institution.

"I think I have observed a reluctance on the part of men whose lives have been spent in productive labor to recognize clearly and fully the difference of capacity among men. Coöperation will be a failure without such recognition. Coöperation is not designed to be the haven of incompetency, but to combine the full force of united strength, working as a unit for a common benefit.

"When a method of industrial organization is sought, the underlying principle of which is to give to labor the full reward of its toil, any attempt to merge the capacities of those coöperating, whereby a general average will be struck between competency and incompetency, diligence and sloth, intelligence and ignorance, will be at once in contravention of the great underlying principles of coöperation. Further than this, it is not the design to divorce labor from its intelligent direction, but rather to associate the intelligence, as well as the productive skill and capacity, of workingmen into coöperative relation.

"Under the provisions of the bill it will be possible for those proposing to form a coöperative society to so formulate their articles of association that the unworthy, should any such become members, can be divested of their membership. This can be accomplished by providing the means by which an appraisement of the value of an interest may be had; and if the association shall be so unfortunate as to find among their number one addicted to drunkenness, immoral practices, to habits of indolence or insubordination, or possessed of a violent and intractable temper, such member's interest in the association may, upon demand of two-thirds of the membership, be appraised, and, upon payment to him of the value of his interest, the member himself can be expelled, thus rooting out all those whose habits or disposition would make their membership a continued menace to the success of the society. A coöperative association may also provide that each member shall receive wages or salary, and while being invested with membership will, during the time he is employed, act in the capacity of workingman, under the direction of the president or general director. In this employed relation the officer over him should not be denied that degree of authority which will enable him to enforce all the discipline of industry, all the requirements of good workmanship, skill, and diligence which will be found to be indispensable to success.

"All these contingencies may be provided for in the articles of association, which each member should be required to sign, and which would constitute a code of rules and regulations, forming the basis of the agreement between the members. In this sense a coöperative society would be the employer of its own members. It would pay wages; and if the aggregate product of the labor performed yielded a profit in excess of the wages paid, then out of such profit a dividend to the members should be declared, and the dividend should be paid to the membership in proportion to the labor performed by each. If in the prosecution of any enterprise the association should find it profitable to employ persons who are not members of the association, such employment would not be inconsistent with the objects of the association. Such association should in all respects remain voluntary, and a coöperative society should be at liberty to admit additional membership, if profitable employment can be found for an additional number of members, or to employ in emergencies the time of workingmen, the same as labor is employed by individuals or corporations.

"All that organization implies is the existence of a united body having organs with separate functions. Coöperative organization must necessarily conform to this law of being. In the prosecution of any enterprise there are natural departments of activity. These varied departments call for capacity in the performance of their functions. It will become speedily apparent that a single head, to be called perhaps the manager or director, must be chosen, and this head must be invested with that degree of power necessary to the accomplishment of defined and successful results. The highest test of fitness to enter into the coöperative relation will be the intelligent perception of the necessity of obedience. Every undertaking is amenable to certain inexorable laws, which may be termed the laws of its success. Coöperative organizations must be brought under subjection to these laws. To this end capacity in each natural subdivision or department of activity must not be denied that degree of authority necessary to make its functions effective for the good of the whole. Otherwise the reward of industry will be defeated by the incompetency of its management and direction, by waste in the purchases and sales, by ignorance of the relation of demand and supply, and by all other vicissitudes and attributes which confer upon the commercial and manufacturing activity surrounding us the changing kaleidescope of success and failure. There is no royal road to great achievements in any department of human thought or human activity. Coöperation will not, therofore, abolish the law of commercial success and failure. However great the advantages to labor of the coöperative principles, coöperation itself will be amenable to the great law that the success of all effort is ultimately dependent upon its intelligent direction.

"Intelligent concurrence in the proper direction of effort is equal in dignity to the intelligence which directs. By far too little importance has been attached to this great truth. However high the intelligence which directs, its measure of success is forever dependent upon the concurrence of the association. Coöperative organization will, therefore, find itself amenable to these laws of intelligent direction and intelligent concurrence. They will find it necessary to define the functions of office, and to permit the discharge of these functions to those best qualified to perform them. Thus organized, coöperative association is equipped with the full round of competency. In such relation the members enter a new and higher realm of activity. It is by their concurrence that they are directed, and thus concurrence becomes itself the directing force. There are large numbers of men whose services may be secured, already well qualified to fill the necessary offices of such an organization, and thus entering upon an employed relation founded in concurrence, each associate becomes in a sense the director of his own labor, and each member begins at the very outset to acquire competency in a higher and broader realm. Each coöperative institution will, therefore, become a school of business in which each member will acquire a knowledge of the laws of trade and commerce pertaining to his business, and thus to their mechanical skill each will be adding a stock of that knowledge so necessary to success in the realm of accumulation.

"The value of all this to the character of citizenship should be apparent without illustration. To comprehend it in all its breadth, however, let us assume that in all time all labor had been thus self-directing. If instead of the proposition before us to change the industrial system from the employed relation and place it under self-direction, the coöperative form of industrial organization had existed from all time, and we were now, for the first time, proposing to reorganize the employment of labor and place it under non-concurrent direction, I apprehend the proposer of such a change would be regarded in the light of an enslaver of his race. He would be amenable to the charge that his effort was in the direction of reducing the laboring men to an automaton, and that vague apprehension with which untried experiments are beset would leave but small distinction in the minds of workingmen between the submission of all labor to the uncontrolled direction of an employer and actual slavery. We may safely assume that such a change would be impossible—that men are not likely to voluntarily surrender the independence of character which coöperation would establish for any lower degree of servitude. I would not, by this illustration, be understood as claiming that any useful employment is lacking in dignity. All labor is honorable, all industry noble, and under the operation of our free institutions and our free educational systems, the masses of workingmen have become constantly more intelligent and more worthy. In fact, coöperation is merely an extension to the industrial life of our people—of our great political system of self-government. That government itself is founded upon the great doctrine of the consent of the governed, and has its corner-stone in the memorable principle that men are endowed with inalienable rights. This great principle has a clearly defined place in coöperative organization. The right of each individual in any relation to secure to himself the full benefits of his intelligence, his capacity, his industry and skill are among the inalienable inheritances of humanity.

"To resume, however, the practical phases of this question, I can see no reason why coöperation may not be extended into various branches. As a people we are engaged in a varied agriculture, as well as in a variety of manufactures and a varied commerce. A coöperative association designed to furnish labor for farming operations is clearly within the realm of practical achievement. A varied agriculture demands labor at different seasons of the year. An association of industrious, intelligent, and sober agricultural laborers, comprising men qualified to perform intelligently the varied requirements of agriculture and horticulture, would be of inestimable benefit in our labor system. They could organize for the purpose of furnishing labor as the vicissitudes of the season may require. There are various seasons for the various products ; therefore coöperation would insure to the farm laborer annual employment arising out of the variety of the production of a neighborhood. There is the season of plowing, of planting, of pruning, of harvesting, of the vintage ; and these seasons are not coincident. An organized body of laborers, responsible as an organization for the faithful performance of the duties of its members, would find a large premium inuring to them, growing out of the facilities thus afforded to employ from a single labor exchange a sufficient number of workmen for the accomplishment of these varied operations in their appropriate seasons. Finally it will be found that in coöperation, as in every other department of human activity, success will depend upon the adjustment of men to their various duties according to their highest fitness. Let the man best fitted to direct be chosen for that office. Then let intelligent concurrence supplement his effort, and honesty and intelligence will accomplish all the rest."

Thus in language terse, vigorous, and condensed, as is all his language, whether written or spoken, did the senator express to the *Tribune* representative his views on these long-vexed problems in political economy. We cannot call to mind in the pages of Richards, John Stuart Mill, or any other of the standard authorities, a more striking elucidation of the principles involved, and while that of Mr Stanford contains much that is new, the reader will observe that his reasoning is close, solid, and cogent, free from all trace of the clap-trap or the patriotism-on-stilts which too often disfigure the disquisitions of the nation's lawmakers.

As an example of originality and breadth of view in financial matters, may be given the measure of Senator Stanford, presented before congress, March 10, 1890, in regard to the loan of government credit for the relief of farming communities throughout the land. The full text of the resolution, which was referred to the finance committee, is as follows:

"Whereas there is a stringency in money and much consequent distress, the energies of the country being depressed, and large portions of farming communities being heavily burdened and struggling for relief; and whereas the United States government is alone authorized to make money which shall be legal tender, whether it be by stamp upon paper, silver, or gold; and whereas the value of these commodities when used as money depends entirely upon the stamp of the government making it legal tender; and whereas it has been found that money advanced by the government upon its own bonds to holders thereof has furnished the best and most acceptable currency through which to-day in our country most of the exchanges are made; and whereas the present stringency is largely due to the retirement of government bonds which have been so largely the basis of our circulating medium; and whereas it is of great consequence to national and individual interests that credit should be established where merited as far as it is safe and practicable; and whereas the government can do this abundantly without risk to itself upon much of the property of the country, as it is now doing upon its own bonds, on which it is paying interest; and whereas loans upon a property basis would furnish all the money needed without cost to the government, and a fair rate of interest paid by the borrower would give to the government for the use of its credit in bills a large income; therefore be it

Resolved, that the committee on finance be instructed to inquire what relief may be had, particularly whether loans may not be made by the government upon mortages deposited with it upon real estate, independent of improvements, at such rate and to such amount only as will make security to the government perfect, the government to receive some small rate of interest (from 1 to 2 per cent), ample compensation for the use of its credits, and to prevent undue application for loans beyond the needs of the country and the government, as a further restraint and provision against an over-issue, if such thing be possible, upon perfect security where the interest is very slight, shall provide to call in such a percentage of its loans, from time to time upon reasonable notice, as it may deem necessary at its own discretion for the welfare of the nation."

During his remarks Senator Stanford said:

"From the earliest civilization there has existed in all countries the need of some commodity that will stand as a representative of values, through which exchanges can be made without the commodities themselves being passed from hand to hand. In process of time gold and silver came into use for this purpose of equalizing exchange, and to-day, when stamped by responsible governments, these metals have a value as money far beyond any possible value they might have were they only used in the arts. Money becomes valuable as it stimulates industry and facilitates the exchange of the products of men's labor. A government bond is valuable to the holder on account of the interest it earns. As an energetic factor in the transactions of men it only amounts to the percentage which it draws, but when the bondholder by depositing it with the government receives back 90 per cent in government bills, 90 per cent of its value becomes energized into an active commodity, giving employment to the energies of the country.

"In like manner, if the farmer were able to borrow from the government without interest a certain amount of its bills, giving his farm as security therefor, to that extent his land would become an active force, and he would be enabled, while giving employment to the extent of the money loaned him, to improve his farm and increase its value by the full amount of the loan. Thus the government loan would be doing double duty. Now, the activities of this money do not terminate with its expenditure by the farmer. Those who have received it, in their turn, will make use of it as an energizing factor in the forces of life to an indefinite period. As money employs labor it brings to life a continuing force, labor begetting labor as certainly as its fruits are valuable.

"Another way by which we can appreciate what money actively used may perform in the settlement of balances, is to be found in the value of commodities produced and exchanged as compared with the amount of money in circulation. How far the boundless resources of our country shall be put into activity depends not only upon the active industry of our people, but upon the power necessary to induce that industry; and it should be the fostering care of the government to see that such industry receives every encouragement. An abundant supply of money means to individuals of capacity a field for the use of their abilities in prosecuting their various callings of life, and will be particularly valuable to associations of individuals by affording them facilities for obtaining capital for the transaction of every kind of business. An abundance of money means universal activity, bringing in its train all the blessings that belong to a constantly employed, industrious, intelligent people.

"If these proposed loans could be made by the government without risk, I do not think there would be any serious obstacle in the way of the accomplishment of the object of this resolution. In my opinion, ample protection would be afforded the government if it limited its loan to one half or one quarter of the assessed value of the property given as security, and upon the appraisement of government officers especially selected for that duty."

Our civil war the senator regards as one of the greatest conflicts in the annals of nations. As to the political situation, then and since, right is one thing, fact is another; and the fact concerning the revolted states is that they were practically out of the union. The southern states maintained an independent government, or rather, they had no government so far as the north was concerned, for they were never recognized as independent. For four years the north fought them, finally driving them back into the union.

The war over, the seceded states should have been treated as conquered territory, reorganized with territorial governments, and with such boundaries fixed as would have been most convenient and just; the federal government finally to admit them, like other territory, when it should be deemed beneficial to all. But as this method was not acted upon, the erring states being readmitted and placed upon a common footing with the loyal states, they should be treated fairly, every possible care being taken to make us one people. There should be one government, a united nation; but while the south should not be allowed to dictate to the north, the north will be glad to see the south prosper, but not at the expense of the north. The laws as to voting should be revised so as to give that privilege only to those who can read and write their language. If we should say that no one can vote who was not six feet one inch in height, that would be obviously arbitrary and unfair; but every one can learn to read and write, though not every one can by any possibility attain the same height. When the individual is safe the nation is safe. As to the general effect of treating the south as conquered territory, this would have been no more than justice. After having seceded from the union they abandoned their former rights, and could not have reasonably complained had their former boundaries, or even their names, been set aside upon reorganization and readmission.

In this connection it may be mentioned that on one occasion, when Mr Seward, whom the senator considers one of the most remarkable men of his age, was his guest at dinner, the great secretary, after relating to him the story of the Alaska purchase, spoke of the commissioners from Virginia, who had been with him on that day and were to have an audience with the president. They conversed about the union, and all agreed as to the importance of preserving it; but whenever the issue might arise requiring them to give up allegiance either to the general government or to their state, they must let the government go. Then Mr Seward began to curse Virginia and North Carolina, and to swear vehemently at New York and New Jersey, consigning to perdition every earthly power and influence which stood in the way of the enlargement of his beloved country, which should extend, he said, from the Atlantic to the Pacific, and from Panamá to the north pole.

Senator Stanford is a protectionist, because he would see the country self-supporting and independent of all other nations, and because, having a surplus of labor, he is of the opinion that it is better for us to do our own work than to have some one else do it for us. During the war three millions of men were drawn from the community, and yet no trade or calling suffered for want of laborers. Meanwhile population has steadily increased, and idlers also; and now, with an abundance of labor at our disposal, we should manufacture our own goods, even if we have to pay more for certain articles. England, with her trained artisans and improved machinery, is not afraid of competition, for with her superior facilities she can manufacture more cheaply than any people on the continent. She therefore clings to free trade, just as we do with certain commodities, as wheat, which we can produce cheaper, or of better quality, than India or Russia, where labor is worth from five cents to half a rouble a day.

The production of silver is one of the greatest industries of our country, furnishing employment to a vast number of people, though it has been estimated that there is as much paid out for the labor of producing the silver as the bullion produced is worth. This product is taken to the bank, which in return issues a certificate of deposit. Is the bank any poorer because you hold that certificate as against bullion in its hands? No; but the paper is more convenient for you to carry than the bullion would be. Now, suppose the government says of the bullion, "We will take it at what it is worth; we will give you a certificate which entitles you to come here and draw money in silver dollars, or in gold, or in paper." You have the certificate, and so you do not want either gold or paper. The government cannot lose anything, for it receives 100 cents value in silver for 100 cents in gold or paper. But this silver is sold at 80 cents, the government demanding 100 cents in value for only 80 cents in gold or paper. The silver dollar is surely worth as much and more than the paper dollar, for in the former is the actual cost and actual value, and in the latter neither, should the government credit happen to decline.

If the government were to buy four millions of silver a month, it is the opinion of Mr Stanford—and in this he is endorsed by senators Jones and Stewart—that this would place silver at par, where it was some twenty years ago; and would thus add twenty-five per cent to its value, which would enable men to work their mines at a profit. There is a marked change of opinion in congress in regard to the silver question; yet what crude ideas are still entertained by some of the members! Speaking with one of them on this subject, it is related that Senator Stanford put his hand in his pocket and drawing out a silver dollar, said, "What is that worth?" "About eighty cents," was the reply. "Well," rejoined the senator, "I do not wish to take advantage of you; I will give you ninety-nine cents for 100,000 of them." The man seemed greatly astonished, and Mr Stanford continued, "Do you think they are not worth it?" "They are worth only eighty cents," he reiterated. "Then suppose that these were pieces of paper, greenbacks, we will say; would they then be worth a dollar?" "Yes." "Very well; is not the government stamp upon a piece of silver as valid as on a piece of paper?" From the position taken by this man and others of his school, it would appear that the value of a silver dollar depended merely upon the amount of silver which it contained. Senator Stanford believes that silver will be eventually reinstated, not only in our own market but throughout the world. There is no reason why America should allow London to determine the price of silver. We do not make money to circulate abroad. Take our eagles fresh from the mint to London, and the bankers there would throw them into the scales and weigh them to ascertain their value.

As to the chinese question, although the restriction act was an arbitrary and unjust proceeding on the part of the government, perpetrated by politicians for party purposes, yet, in the opinion of Senator Stanford, it was an assertion of our right to determine who shall and who shall not come to this country, of our right to stop the in-flowing current of paupers and vagabonds; and probably it would have been well for the United States if this right had been exercised fifty years ago.

The possibilities of California he considers as beyond our wildest conception. Besides the great valley of California there are innumerable other fertile valleys of greater or less extent in the Coast range and in the Sierra, as well as immense areas now called deserts, but which under irrigation prove extremely prolific. A system of irrigation should be devised and carried out by the government. Surveyors should be sent out all over California, and throughout the region beyond to the eastern base of the Rocky mountains, and places designated where water can be stored and work begun. A few score millions expended in this manner would yield returns a hundred fold.

The government should likewise provide and improve harbors where needed. That of San Diego, for instance, should have an appropriation such as would make it in every respect a first-class harbor. There is a large commerce which should have an outlet to the ocean from New Orleans.

In summing up the life and character of Leland Stanford, the biographer has no easy task. While I have not felt called upon in this most pleasing and important labor, to search out and parade those slight flaws and imperfections of character or disposition which every man possesses in a greater or less degree, least of all to indulge in that captious criticism which some regard as a work of self-justification or a test of analytical ability, yet it is no part of my nature to state what is not true, as it is no part of my purpose to over-estimate qualities, or indulge in heroics regarding any man, no matter how much I may find in him to admire and emulate.

First of all let us ask ourselves and answer one question: What is human greatness? Then after measuring the man by the just and proper standard which we will endeavor to establish, let whoever can disprove his claim.

There are various schools or categories of greatness, as a great soldier, a great preacher, a great artist. Any of these may or may not imply purity of mind and morals, which do not constitute but may adorn greatness. Pure patriotism, practical philanthropy, able statesmanship are fairer measures of greatness than any others. He who most fully possesses the higher qualities is nearest akin to God, the greatest of all; he in whom is united the most of them is nearest akin to God, who possesses them all. He is best in whom is united most; he is greatest who achieves most. On this platform we are willing to place our man, and by this text to have decision rendered. The life must be rich in results, as well as impossibilities, and they must be beneficial results, when we talk of true greatness. Napoleon was in some respects great; in others he was as the desperado numbering his murders by notches on the handle of his bowie-knife. Senator Stanford and his colleagues have laid open for happy homes and a fair civilization more territory than ever Alexander destroyed. Mr Stanford gave more in noblest and most productive benefactions than ever Cæsar spent in gladiatorial shows. And so I might enlarge. Men are often called great by reason of their dastardly deeds. I could not measure character by such a standard. It is not the quality of greatness in the recording of which I can derive any pleasure or profit; it is not the quality of greatness which may truthfully be applied to Leland Stanford.

The study of great men is natural and beneficial. It is elevating and improving to search out in every community those who have accomplished most for good, those who are doing most for the advancement of mind and the purification of morals. The empire of progress can be built only on a firm foundation, for the elements of evil crumble, and the edifice totters. In our admiration of the excellent all our faculties are improved.

Great men have their mission. They are the embodiment of progress. Mediocre men are stationary. Inferior minds, without the influence of those intellects which in some degree dominate events, are retrograde. These cardinal facts are tacitly admitted by all, though fully apprehended only by a few.

It is proper and just that great men should be emulated and honored. It is by them and through them that the race advances. The quality of the community is elevated by them; every citizen is raised in importance through the genius of one man. To be of Athens or Rome, or Stratford-upon-Avon, is to have been bathed in the atmosphere perfumed by the god-like in humanity. Every city has its leading citizens—those who built it, organized within it a government, established there commerce and manufactories, erected temples dedicated to religion and education, and set examples for high progress and pure morality. There would otherwise be no city.

A leader of people, a ruler of men, need not necessarily be endowed with a title or hold political office. A person may now command by reason of his intellectual superiority, as heroes and demi-gods formerly commanded on account of their physical superiority. Or from his skill in science, art, commerce, manufactures; from his charm of manner, his position in society, he may influence others to do his will, no less than through the power of wealth. There is strength in association, in affection. We can do nothing alone; we cannot speak our own words or think our own thoughts except as they are called forth by others. A strong man in his proper place accomplishes wonders. Fertile in his imagination, magnetic, with energy and constructive ability, he becomes conspicuous in spite of himself. He cannot help being great.

"I admire great men of all classes," says Emerson; "those who stand for facts and for thoughts. I like rough and smooth, scourges of God and darlings of the human race. I applaud a sufficient man—an officer equal to his office—captains, ministers, senators. I like a master standing firm on legs of iron, well-born, rich, handsome, eloquent, loaded with advantages, drawing all men by fascinations into tributaries and supporters of his power. Sword and staff, or talents sword-like or staff-like, carry on the work of the world. But I find him greater when he can abolish himself and all heroes by letting in this element of reason, irrespective of persons, this subtilizer and irresistible upward force, into our thoughts, destroying individualism, the power so great that the potentate is nothing. Then he is a monarch who gives a constitution to his people, a pontiff who preaches the equality of souls and releases his servants from their barbarous homages, an emperor who can spare his empire. The study of many individuals leads into an elemental region, wherein the individual is lost or wherein all touch by their summits. Thought and feeling that break out there cannot be impounded by any fence of personality. This is the key to the power of the greatest men—their spirit diffuses itself. A new quality of mind travels by day and by night in concentric circles from its origin."

With his qualities of mind and heart the senator combines the advantages of a strong physique and a constitution unshaken by serious sickness. In height he is five feet eleven inches, and well-proportioned. Before he was twenty-nine years of age his weight never exceeded 190 pounds, but at thirty increased to 200, and in later years reached 268. This he regarded as excessive, and therefore reduced it to 238. He regulates his diet with scrupulous care, eating simple food and taking every precaution necessary to preserve his health. His family and relatives have generally reached old age, one uncle dying at eighty-seven and a brother at ninety-three. His father, grandfather, and mother all died of pneumonia, the first at the age of seventy and the last at eighty-three. In every respect he is physically a fine specimen of manhood—broad-chested, with erect carriage, countenance firm but pleasing, and in manner urbane and courtly. A man of few words, though not what is termed reticent, his quietness of demeanor is of itself a power. By that repose in his nature which is the equipoise of a well-balanced mind he commands the confidence and respectful admiration of all with whom he comes in contact. Every act of his life seems to have been one in a continuity of purpose, arising from the constant and deliberate exercise of reason and judgment. He generally breakfasts at eight, taking usually three eggs, a slice of dry toast and two cups of coffee ; at one o'clock a luncheon or dinner of roast meat, vegetables; and a little claret, cold ham, bread and butter, and tea at six. When he has company and an elaborate dinner he confines himself to his usual fare. He retires at ten. He is fond of music, and is a patron of art and learning. On Sunday the family have morning prayers, and in the evening sacred music. Mr Stanford always reads a prayer at the breakfast table, preferring those contained in Abbott's book.

In analyzing his characteristics we see first of all a man fully in possession of himself, master of all his faculties, and endowed by nature with good sense and worldly wisdom in such happy combination with other inward vital forces as to constitute the seeds of great things. Not only did the development of his mental powers begin in early life, but continued long past the period when the faculties of most men become fixed. In one sense he may be regarded as the natural outcome of our phenomenal development, but with this addition that in him is embodied the ideal or leadership in all our politics and industries ; while imprinting his mind upon the mountains and plains, he is essentially the product of modern thought and development.

Though dominating minds command his respect, he never indulges in flattery or stoops to the hypocrisies of the diplomat. Of man's unfathomable vanity he was fully aware, but such pride as he possesses is of the healthy, invigorating kind, without which no good work can ever be accomplished. It is in acts that he lives rather than in words.

There are present to-day no evidences whatever of the debasing effects of a life of sordid selfishness.

Had nature given him a frail physique his work would never have been accomplished. Even though possessed of the intellect to conceive, it would have been a fatal hindrance in the execution.

Once cut loose from the trammels of fear and hesitancy, and well out upon an unknown sea of enterprise, his course seems to have been directed almost by divination. Ever present was that superior though somewhat dangerous quality of intuition by which was made of every isolated circumstance all that was possible.

The meeting of the man and the opportunity makes the event; were it not for the occasion the biography of Leland Stanford might possibly be given as an interesting story of country life: were it not for the man the world would be always a century or two behind time. The even tones in which his opinions are expressed show a decisive character. In judging his fellow-men he entertains a most charitable theory, namely, that all have good qualities and that we are apt to place too low an estimate on the merits of those who do not know. Neither the prejudice of ignorance nor the calumny of the envious can exhaust his patience or disturb his belief in the integrity of human nature. Hence he cannot long harbor resentment, and never indulges in revengeful feelings.

In business councils he is a good listener; in the field of action he labors for certain results. His strongest logic is the accomplishment of results.

In his friendships he is cordial and sincere, with warm hospitality and unreserved conversational intercourse. Whatever the proposition or enterprise, if once undertaken he is found to have strong staying qualities.

Success is not always the mark of talent; but where the success is great and continuous, particularly when it leads us into various fields of enterprise and usefulness, there is certain to be also great talent, and in any extraordinary success of talent there is a corresponding sympathy among the people. Every one is interested in beholding a victory of the intellectual over the material, or of spirit and skill over apathy and indifference. And in Senator Stanford success seemed to increase rather than diminish his human sympathies. In his case success was more the result of ability than of fortuitous events, though at times one is aided or dominated by the other. It was not chance which placed him on the side of right and humanity on reaching manhood, at the time the great issue of freedom or slavery was being so hotly discussed. It was not chance which gave to California, in her hour of peril, that calm courage and counsel, springing from true nobility of character, which exerted so powerful an influence in saving her from the crime of disunion.

Mr Stanford's success in life is largely due to the fact that he always had a steady purpose in view, and persistently pressed forward to the accomplishment of the desired result. His great influence over others is due primarily to his inherent sincerity. Himself believing every word he utters to be true, he has no trouble in impressing the truth of his convictions on the minds of others. He has always entertained the greatest faith in the ultimate triumph of the right. There have been times when the opponents of his enterprises pressed hard upon him, but through it all he felt that he was right and that time would fully vindicate his acts. Had he not been always satisfied of this, he would have been deeply concerned.

Among his mental attributes there stands forth conspicuously originality of thought and clearness of perception, with an analytical power that reverts instinctively to underlying principles, and brings with every consequence a cause.

In politics and the philosophy of history he has always taken a profound interest, as well as in science and art, though in reading his tastes are discriminating rather than universal. Whatever knowledge his mind seizes upon, it assimilates, so that his conversation is as rich in ideas and information as if the topic under discussion were one of which he had made special study.

Charity has ever been conspicuous among Mr Stanford's virtues. His minor benefactions have been liberal and continuous, but it is impossible to enumerate them. Many young men he has started in life; many older ones he has rescued from ruin. His sympathies with the meritorious poor have always been broad and deep.

He has ever been a great reader of the journals of the day, and fully recognizes the influence of the press. On one occasion he remarked, "Not the richest banker nor the ablest lawyer wield as much power as an ordinary newspaper reporter."

Says a friend and keen observer: "There are few men of whom a portrait painted from casual impressions, as compared with that produced from intimate relations, would present such striking contradiction and variation of feature. To a casual acquaintanceship Governor Stanford would be remembered for the genial cordiality of his greeting, for the polite, almost complimentary, deference to the opinions or peculiarities of one in first contact. If an accurate standard of measurement existed, whereby one could discern what each of the individuals in a first conversation had learned of each other, it would be discovered that Governor Stanford knew far more of the mental attributes and the character of his visitor than the latter had learned of him. This trait of character is attributable to the absence of egotism. To casual acquaintanceship, therefore, Governor Stanford presents the character of one possessing the attributes of genial suavity, coupled with modest reserve; one slow in thought and deliberate in judgment. To a more intimate acquaintanceship, however, these features, while not wholly lost, will undergo many radical transformations. As he stands revealed to his friends, and those who have known him most intimately, he is remembered as possessed of the most active mental traits; as having a mind constantly in motion; as endowed with quick sympathies, imaginative perception, and most magnetic influences. In the largeness and charitableness of his mind, friendship feels to have strong anchorage ground. In the judicial fairness of his conclusions, action finds the assurance of just judgment. A careful student of motive, he seldom misjudges the intentions of men, and never judges them in the spirit of uncharitableness."

One conspicuous characteristic is his faith in his fellow-men. It is not a little remarkable, and certainly speaks well, no less for his kindness of heart than for the integrity of the race, to find one whose time has been so occupied in the active affairs of life as to bring him constantly in contact with men of all kinds and classes, holding human nature in such charitable esteem. "The people are honest," he used frequently to say while in political life: "the majority of men desire to do right." "I believe in the right of men to do better," he remarked on one occasion. "I would not dare to assume the responsibility of obstructing or defeating any honest intention or reformation."

Said Meissonnier, when painting his portrait: "I am not merely trying to make a likeness of this man, but to show the breadth of his character and strength of his will, and the versatility of his mind and conception." He endeavored to bring them all out in this picture, which some like, while others do not. At all events the subject impressed him greatly. He had made his reputation from painting portraits of great men. The artist read Mr Stanford's character, although he had not known him personally. He has all the depth, breadth, and versatility which Meissonier found out, and to a certain extent has reproduced. Besides this, he has great kindliness of disposition and friendliness of manner, which shows itself in his face. So much so, that one day in Los Angeles a leading politician remarked: "I saw Governor Stanford for the first time at a meeting, and when he arose to speak I thought to myself that is the best and kindest face I ever beheld in my life." Another instance which occurred some years ago is worthy of mention. A man was standing on the steps of the Windsor hotel, New York, when Mr Stanford stepped from his carriage and entered the building. A stranger stepped up to the former and said, "Is that Governor Stanford?" "Yes," was the reply. "Well," the man continued, "If I had a little money and did not know where to put it, I would buy some Southern Pacific bonds on the strength of that face."

Says another intimate friend: "The recognition which he receives in the east and foreign lands is even more marked than that which he enjoys on this coast. On one occasion President Hayes remarked: "I wish I had known you earlier, I would have been glad to have had you in my cabinet.' It is a matter of some surprise to me how soon his merits are recognized. When we were in Paris they would consult him on railroad matters; and when we were in England, travelling down from Liverpool to London, Mr Childers, and two or three other members of the parliament, hearing that he was an American, and president of the Southern Pacific railroad, invited him to a seat in their car, and he talked with them on the way down. Some of them had just returned from the United States, and were somewhat disappointed with their own country in contrast with the United

States. They said to the governor, "We have nothing here like your broad prairies; we cannot raise those immense crops of grain; we see ahead of us no greater prosperity than we have now; and we see ahead of you everything." They were a little disheartened. He explained to them that England was large enough for a thousand million of people, and that her manufactures and supply of labor would be something wonderful. Thus they were greatly impressed by his power to make them see in their own country that which they themselves had failed to observe.

"When he was in Hamburg he met one of the leaders of the conservatives, who asked him to come in and talk with him, that he might get some new ideas for use in his parliament. The governor accepted the invitation to the profit and pleasure of the member. When he went to Constantinople he met some of the Turkish magnates, and the sultan requested him to call, saying that he wished for a conversation with him, whereupon the governor spent with him an entire afternoon. The sultan consulted him on railroad matters, and asked his advice as to how he could improve the prosperity of Turkey, attaching great weight to his ideas.

"Though slow to decide, he was quick to act. He would take anything under consideration, and sometimes consider it so long that one might think it had escaped his memory. Then he would say, 'I have not forgotten it.' And when the proper time came he would act at once, and put every nerve and sinew into the work. In business his memory of details is remarkable; but then he works as little as possible at details; he does not expect thus to work, but trusts to his employés fully and implicitly. Yet, at the same time, he seems master of everything, and he surprises them sometimes with figures and data which they think have escaped his memory. He has a thoroughly practical knowledge of railroad operation. Although he has never operated one himself, yet he used to be general manager of the road, and has still all the general shaping of its policy; that is to say, nothing is done without his approval, and though very often there is a difference of opinion, invariably his own opinion is the one that prevails. Everything is passed upon by him, but the actual operation of the road he leaves to subordinates.

"We know some men who are famous as statesmen, others as great artists, and others as lawyers; but he seems to be a many-sided man. He is literary in his tastes, and his reading is of a very solid kind; he has been very persistent in all that pertains to national and ancient history. We have, at school, read these subjects, though very few of us are acquainted with them; but he seems able to illustrate them and to apply the teachings which they convey. On all points he is well informed. If an architect comes to him he will talk with him as intelligently as if he were himself an architect; or if an artist calls with a picture for him to buy, he will branch off on some topic, and the man will rise to go; but the governor will say, 'Sit down, I want to ask you something,' and will launch forth into a dissertation on art, and discuss the old and new masters with such nicety of taste and discrimination as to surprise his visitor. Among statesmen he is a statesman, and among railroad men he is a king; among scientific men he is an intelligent talker and listener, and among theologians he can hold his own. He has some very strong views, but like many other traits in his character, they are kept under until the proper time for their display.

"Senator Stanford is a man whose mind is deep, well poised, and of a judicial cast. Before taking action he examines the subject matter carefully and thoroughly, first on one side, and then on the other, revolving it in his mind, and when he has finished his examination, understands it fully. Such a man rarely needs to retrace his steps. His great success has come to him because of his absolute honesty of purpose. He impresses you with the fact that it is his desire to do that thing which is absolutely right. If this is so, if I am right in my analysis of the man, is it any wonder that he succeeds? If it is true that right is omnipotent and must prevail, ought not such men to succeed in every undertaking?

"It has been said that 'the genius of observation is well nigh all the genius of mankind.' Certainly Governor Stanford possesses in a remarkable degree this genius of observation. He seems to absorb whatever there is about him that is worthy of examination. The result is a mind stored with varied riches, upon which he draws as upon an inexhaustible reserve fund, and from which he gives to others not only food for reflection but material for elaborate and logical arguments. He is a man of rare reflective power and wonderful concentration, while his perceptive faculties are marked and strongly developed; in a word, he readily sees the strong as well as the weak points in both men and subjects. Having decided that a certain course is right, and that he will accomplish certain objects, it is difficult for him to see any obstacle in the way that cannot be overcome; hence his tenacity of purpose is simply wonderful, and his efforts only cease with the accomplishment of his purpose. His far-sightedness is apparent in everything he has undertaken. With him, it is not building to-day simply for to-morrow, but laying the foundation for all time.

"He impresses me as a man who, should he differ with his associates as to questions of policy (which, however, I presume rarely, if ever, occurs) and should be overruled by them, he would immediately, so far as in his power, carry out the ideas of the majority, and would be the last one ever to refer to the fact that he was not working upon a plan wholly in sympathy with his own views and ideas. His is indeed a large, broad, and comprehensive mind, that rises above the little things of life.

"His capacity for labor is now, and always has been, remarkable. If the impression prevails that he works slowly, in my judgment it is erroneous. His apparent lack of speed is to be found in the fact that he labors while other men play, while other men talk or sleep. You say, how is this? Let me explain. His mind is so formed that, while you converse with him, it takes in and absorbs what you have to say, grasping the ideas that you advance; others talk to him and the same process of absorption is going on. And all these propositions—many of them of an entirely different character—are undergoing a solution in his mind, as it were, at the same time. Thus while he is discussing one thing, and his mind is seemingly concentrated on that one thing, there is an analysis of other matter going forward at the same time. I am impressed with the idea that he would rather not hear unpleasant things; but if they must come, he has the courage to dispose of them manfully. He is a man who would not seek a controversy, but once in it the fight would be a determined one. In dealing with those who have wronged him, I judge that it would be a satisfaction to him to do them an act of kindness in return for their wrong; and their seeking him and asking a favor at his hands would be evidence to his mind, not of their littleness, not of their lack of manliness, but that they had realized the wrong they had done him, and he would embrace the opportunity to return them good for evil.

"In connection with his capacity for labor, it may be remarked that he goes from one subject to another with great ease, taking up and doing well one thing up to the point where something else comes in, and he is compelled to lay down the first subject, whatever it may be. Thus he goes forward, his method being accounted for by the peculiar formation of his mind. Whatever he has in his mind—and it is capable of holding many things—is being worked out and analyzed clearly and fully, and made ready for use to be called upon whenever required.

"One who stands very close to him, and is himself a good reader of men, and in no sense a man-worshiper, one who certainly has had the opportunity to know the governor thoroughly, said to me: 'During the first year I was with Governor Stanford he humiliated me more, though not intentionally, than any man I ever came in contact with, and in this way: When first engaged by him for work connected with the railroad companies in which he was interested, I gathered from him in a few words the particular duties I was to perform. Whenever I discovered what would be of particular interest to him, and what he ought to know, I would seek an opportunity and quietly mention the matter to him. He would listen in silence, and I hardly knew whether attentively or not, for he usually dismissed the subject with a remark apparently foreign to the matter I had attempted to present. This was done repeatedly before I learned to know the man. I would frequently leave him, crestfallen, and wondering whether the matter I had brought to his attention was so trifling that he, with his large mind, and in view of more important things, deemed it unworthy of attention. But later I found that whatever it was that I brought to his attention he never failed to recollect it at some future day, and that in time to be acted upon. He would say, "Well, a few days ago [when it might have been weeks], or, a few weeks ago [when it might have been months], you were speaking to me about so-and-so; do you know, I have been thinking about that matter." He would recollect the circumstances, and discuss the subject as a new and original proposition. Incidents like the foregoing impressed me with his wonderfully retentive memory, and his habit of never dismissing, but constantly remembering and revolving in his mind propositions that seemingly had been, and with most men would have been, laid aside entirely.'

"He is a man who has not only read deeply of books, and those of the very best, but he has, as I have said before, read men, and possesses in a very marked degree that knowledge which Bacon says is over, outside of, and above books. He is a man of whom any nation might be proud; one who is doing a work to-day that will bless mankind for centuries to come; one who, though in a sense appreciated, is yet not fully appreciated; one who, while interested in everything that affects humanity and living very close to his fellow-men, yet, without desiring to do so, or being indeed at all aware of it, is still living above them, and, as it were, in a higher plane."

"In his home life," writes another, "there is an absolute simplicity about him which makes it hard for those of his household to realize that he is a man of power and a leader of men in the outside world. But he has a great power of drawing to him the affections of all who are brought into contact with him, or who have to serve him in any business relation, or in any branch of employment. This is due very largely to his personality and to a gentleness of manner, which all who have met him recognize at once, and with which all strangers are charmed. But while many of our great men have a wonderful openness, kindliness of manner, for the public, it is very often the case that they leave this behind them when they come into the atmosphere of their own homes. With him it is the reverse. He is kinder, softer, gentler at his home than anywhere else. He is a gentle man; that expresses it in two words. He seems to inspire those around him with a desire to anticipate his wants, because they know how unwilling he is to find fault, and how much greater satisfaction it gives him to praise than to blame. People are apt to think and have thought that he carries this to an extreme. There have no doubt been times when he has been imposed upon, and natures such as his always will be, so long as there are bad men in this world. His attachment to all members of the family is very great, and he instinctively seems to feel that those of his blood have a claim on him."

And thus still another of his intimate friends: "I would say of Leland Stanford that he is one of the broadest and most comprehensive men I have ever met. I do not claim that he is faultless, for as a human being he must have faults; but he is benevolent, he is charitable and he is just. He is remarkably slow to act, so slow that I sometimes seriously doubt the propriety of his non-action, or deliberation with which he makes up his mind. But he never does make up his mind until he has heard all sides of a question. He never makes up his mind from an *ex-parte* statement. He says, 'That story is good until I hear the other side.' He has the utmost confidence in human friendship; he believes in his friends. A man who has seemingly unselfishly done him a favor he never forgets. Thus a man is in a position to impose upon him, if he chooses to do so, a score of times for the one favor he may have rendered years ago.

"The governor has great charity for mankind; for the shortcomings of men and for their imperfections; yet he likes them to be constant and appreciates those who make the fewest mistakes. He would have made a profound lawyer and a splendid jurist had he devoted his life to the profession of law—nothing brilliant, but sturdy and deep. His scope of mind is broad and general, but he is not a man of detail. He has a remarkable memory, one that astonishes me at times. He accomplishes his purpose more by the honesty of his views and by convincing those he comes in contact with of his sincerity than by suavity of manner, for he has not a gifted tongue. He is a man of rare reflective power and wonderful concentration, and after he has made up his mind to do a thing and it is right it is difficult for him to see why it is not performed and accomplished. His far-sightedness grows out of his reflective faculties.

"He is a good judge of men that he never had any particular relations with. He is a good judge of new men. To those who stand close to him he would be inclined to err, if err at all, on the side of charity for their shortcomings. His cloak of charity is larger than that of any man I ever knew, and he will only revenge himself upon an enemy or those who have wronged him, by heaping coals of fire upon them. His friendship for friends as friends is unsurpassed.

"He is an exceedingly just man, and at the same time a very generous one. His tenacity of purpose is remarkable. He never stops in the pursuit of what he believes to be right until it is accomplished, or until he is entirely satisfied it is not attainable. It would be very difficult to coerce him. It would be difficult to coax him. If moved at all it must be by sound and substantial reason, by logic. He accepts no man's reasons and yet accepts all men's opinions. His broad charity for mankind is such he could not do otherwise than respect the views and opinions of everybody. But there must be sound excuse for the acceptance of their reasons, for he would not adopt them out of respect to the individual. He thinks for himself.

"With the greatest of ease he can turn from one matter to another; not frivolously, but comprehensively. That is where his great labor of mind has been underestimated. He works when other men are playing. His mind is constantly at work. He has more scope, covers a broader field of thought, never forgetting anything and thinking logically upon all propositions, so that when he is making speed he seems to be standing still. He has been frequently underestimated in this particular, I think, and by those who ought to know him the best.

"In his travels at home and abroad he has arrived at just and comprehensive conclusions regarding the territory he has seen. He has to-day a better knowledge than most men of the affairs of Europe, the capabilities, both neglected and cultivated, of the different countries and different forms of government. This is naturally the result of his powers of observation, though when abroad it was for the recuperation of his own health and that of his family. Yet he absorbed more and got a better idea of the political and physical conditions of foreign countries than almost any American who has ever been abroad for the same length of time."

In religion Mr Stanford is not a sentimentalist, and yet his nature is essentially reverential. While not a sectarian and not overstrict in religious observances, he is and has ever been a perfectly moral man, carrying into his daily life and into the smallest things of life the principles ingrafted on his deep and earnest character. In the deed of the foundation of the university is a clause which requires the trustees "to prohibit sectarian instruction, but to cause to be taught in the university the doctrine of the immortality of the soul, and existence and power of the all-wise and benevolent creator, and the truth that obedience to his laws is the highest duty to man." Again he says, "The object of this institution is not alone to give the student a technical education, fitting him for successful business life, but it is also to instil into his mind an appreciation of the blessings of this government and reverence for its institutions and a love for God and humanity, by precept and example spread the great truths by the light of which his fellow-man will be elevated and taught how to attain happiness in this world and in the life eternal."

Up to seventeen years of age Mr Stanford was orthodox according to the tenets of the presbyterian church. Then, while at school, he studied Hotchkiss' geology, which endeavors to harmonize geology with the Mosaic account of creation. This for the first time directed his thoughts into independent channels, and ever since he has done his own thinking on all subjects. He even went so far as to doubt for a time the immortality of the soul, though not seriously so, and the consequences of every act following us into another world; but all this passed away, the death of his boy ridding him of any possibly remaining vestige of unbelief. He has no idea of a life of inactivity and idleness hereafter; there will not only be desires, but more and better ones than in this life.

Preachers, he says, make a great mistake in spending their whole time trying to fit people for the future state, to the neglect of this world. Could they be doing something to make life here better, happier, more endurable, they would accomplish a far greater good. They might take lessons from the Mormons, whose bishops look after temporal as well as spiritual affairs, advising with them in their business, teaching them how to plow, what to sow and when to reap. The doctrine of eternal punishment exercised an influence for evil on the human mind and heart. When you make a god out of the cruelest thing imaginable the tendency is to make the people cruel; or, if the god be kind and gentle, his votaries will be like him.

He early freed himself from calvinism. During the brief period of his scepticism he never wholly lost belief in a future state, or entertained any fear of passing into total annihilation. He is now looking forward to the reunion of his family in the other world, which he is satisfied is a better one than this —a world of activity, where people will have full and happy occupation; for there must be infinitely more happiness in an active existence than in a passive condition where there are no desires. The quality of happiness is intensified by action.

The patriotism of Leland Stanford is self-sacrificing, devoted and pure. His thoughts seem to dwell upon the development of the country and the progress and welfare of the nation. These were often the topics in conversation; and in the deed of foundation of the university he declares it to be one of his chief objects "to promote public welfare by exercising influence on behalf of humanity and civilization, teaching the blessings of liberty regulated by law, and inculcating love and reverence for the great principles of government as derived from the inalienable rights of men to life, liberty, and the pursuit of happiness."

Some make it a point, in order to increase their popularity or influence, never to appear to refuse a request; others do so as seldom as possible from inherent kindness of heart. Some delight in paining people, though they would never admit to themselves the atrocity of their natures; to others the infliction of mental anguish upon a fellow-being excites the greatest pain in his own breast. The former is the result of the unmitigated selfishness of a naturally cruel heart, and more people carry these feelings in their breasts than are themselves aware of it. Ordinarily people of a humane or benevolent disposition fail to understand those of an opposite nature, but in this instance such was not the case. Mr Stanford has no more respect for that affected bluntness which covers timidity than for the fawning flattery which covers hypocrisy.

A fitting companion and consort of such a man in every way is Jane Lathrop, who married Leland Stanford when he was twenty-six years of age. Superiority of mind unite in her with all the matronly virtues, a shining current of domestic purity and happiness running through the whole course of her life. With simple tastes and tender sensibilities, she presents a queenly aspect, and a mind endowed with an exalted sense of the duties of her high social position. In her character and daily life are a perpetual charm and beauty which belong alone to the true nobility of womanhood.

The life of Mrs Stanford cannot be considered apart from that of her husband. There were ever the closest relations existing between them. He advised with her in whatever he did, and she sympathized with him in everything. Affectionate in her disposition and warmly attached to her friends, she possesses remarkably good common sense, being decided in character and of strong convictions, in religion as in everything else, though by no means bigoted or strongly sectarian. She has no doubt of the immortality of the soul; that there is another world better than this, and that God never intended death as a punishment. In many respects she is a remarkable character. Few know her, some thinking that time hangs heavily on her hands. This shows that they know little of her, of her active sympathies, her often laborious charities, running all the way from professional beggars up to the fifteen kindergartens which she supports, seeing that they are supplied with teachers, and keeping the accounts of the money employed for the purpose. She is endowed with great capabilities, and seldom has she an idle moment. "I had no idea Mrs Stanford was such a business woman," her husband was once heard to remark; but such a wife could not long enjoy the society of such a husband without decided results.

And we have also seen that Leland Stanford junior was a youth of no ordinary promise. He was endowed with a superior nature; his thoughts were pure, his aspirations lofty, his actions right and honorable. In him seemed to be united some of the finer qualities of mind and heart of both parents—the tender sensibilities and warm emotions of the mother, and the elasticity of intellect, philosophy and broad philanthropy which characterized the father. Had he lived, being thus sired and circumstanced, with all his high heritage, possessing all that heaven and earth could bestow, the vast wealth and power which would have fallen to him being all inferior to his superlative mental and moral attributes, what human and divine possibilities were here!

Reluctantly I take my leave of this central figure in the group of railroad builders, of whom only two are now living, each having performed the part alotted to him with consummate ability.

The central figure also in a multitude of patriots, anxious for the welfare and integrity of the state, which trembled on the verge of secession, and while men were arming and dividing, feeling running high, each as a rule giving allegiance in the civil strife to the side on which he was born, as governor of the state and chief of a great political party which he had here planted, he held in equipoise the interests of the commonwealth, when one imprudent act would have lost all, dealing out justice with an even hand, and with good sense and calm judgment, so allaying the passions of men as to prevent what would have been the most horrible episode of the war, the sons of the north and of the south in close conflict pouring out their blood on the soil of California, all fighting for their altars and firesides, and for what they deemed the right.

The central figure among the statesmen of California, deemed best capable of representing the state in the senate of the United States, and the enthusiastic choice not only of legislators but of the entire people.

A central figure among the benefactors of the human race, dedicating, after making some allowances to relatives and friends, all that he had for the founding of an institution designed to shed blessings and happiness upon the people of this land throughout all time.

It is the destiny of but few men to achieve the impossible—that which others deem impossible. Had those who first drove wagons across the Sierra Nevada, letting them down declivities by ropes, been told that steam locomotives would one day be scaling those heights, they would as quickly have believed it as that people would talk with one another forty miles apart, or that motive power would be generated by heat arising from an artificial concentration of the sun's rays.

This one superlative example will carry its influence throughout all time, quickening the pulse of ambitious youth, and rousing strong men to yet more determined action. One feature of character stands preëminently conspicuous all through his active and eventful life. Whether amidst contending political factions, in the heat of commercial competition, opposed by jealous rivals or calumniated by defeated foes—amid all the conflicting interests and emotions by which at various times he found himself surrounded—he ever maintained a superb moral calm, emerging upon a high plane of principle on every such occasion without rancor, without feelings of bitterness toward any, and with no desire whatever for retaliation or revenge.

It is what we leave undone, no less than what we do, that merits praise. There are times when a masterly inaction may border on the heroic.

There are natures born at full stature; other natures have in them the element of expansion. Leland Stanford is of the latter category. He has always been a growing character. From the first he has every day increased in moral and intellectual strength, and would continue so to increase were he to live a thousand years.

On entering for the first time a city or country the mind of the stranger naturally turns to the origin of the advancement made, who were the men that accomplished what has been done, how they did it, and when. To ascertain facts in such premises men travel over the world, read history, and hold converse with the learned and intelligent. It is the higher education, if it be done for improvement and praiseworthy purposes, and not from idle curiosity alone. We go far to see a great man; we strive hard to imitate him, to cultivate what we believe to be those superior qualifications which rendered him conspicuous among his fellows.

The search for the good and useful in man is like the study of the true and beautiful in art. Both are primary factors in education, the one ranking among the utilities, the other being found in the category of the æsthetical. Our study of humanity begins with a search through history for the world's great men; those who have accomplished something in one direction or another. Of these youth dreams and manhood meditates, and in some degree to copy their good qualities and avoid their mistakes becomes the aim of noble minds.

The possessor of superior mental and moral force cannot live in a community without exercising in it a commensurate influence for good. The beneficial radiates from his presence whether he wills it or not, just as the sun throws its radiance over the otherwise darkened earth. We, none of us, can think a higher thought than usual, or entertain a purer aspiration than usual; we cannot even come in contact with those who do so without being made the better thereby.

Although in the progress of human development evil influences are apparently as influential factors as those which are commonly regarded as more purely beneficial; yet, fortunately, the good alone remains, the evil being winnowed away and burned. In all nature it is the excellent which grows; it is the true and beautiful and strong that is fittest to survive. If this were not so, we should have no great men for our models, nor gods for our guidance.

In the simple contemplation of a commanding intellect we derive somewhat of the same benefit that pious people obtain in their high and holy meditations; humanity is so constructed that the entire moral and intellectual being enlarges and improves in the association with superior minds, even in thought or imagination. The mind absorbs from the intellectual influences around it, as the body absorbs for its use the raw material in nature. One of the strongest and subtlest of the influential processes by which dominating minds bring people under their sway springs from that quality in our nature which forces upon us the thoughts and opinions of those with whom we come in contact.

For the work that he has done, and for that which he is yet to accomplish, the world will in due time assign to Leland Stantord the rank which his merits deserve among the railroad kings, the statesmen, the philanthropists of his age. And few there are to whom, even in his lowest capacity, as a creator of wealth, so high a rank should be conceded; since for every million that he has himself accumulated, he has added at least a score of millions to the value of other men's estates. Nor has he retained his millions until the time of his decease, then to be distributed in such charitable bequests as might serve as an apology for a selfish life. While yet in the full vigor of manhood, and in the perfect command of all his faculties, he is already attending to the disposition of his ample fortune in what he deems the most fitting expression of the good-will he bears to his fellow-man.

"If you seek for my monument look around you," is literally translated, the inscription in Latin on the plain marble slab which marks in the great cathedral of which he was the artificer, the resting place of Sir Christopher Wren. And to our railroad artificer this epitaph would be no less appropriate, not only for the marvellous achievement which has linked in bands of iron the shores of earth's fairest continent, but for his efforts toward the industrial development of the state, for his farms and vineyards, his grain-fields and his orchards, and above all for the noble institution of learning which, with each returning year, shall be more fully appreciated, shedding broadcast its benign and exalting influences on those now living, and on future generations to the end of time. This it is to be immortal in this world as well as in other worlds.

CHAPTER III.

LIFE OF GEORGE HEARST.

THE CALIFORNIA PIONEERS—PARENTAGE, BOYHOOD, AND EDUCATION—LEAD-MINING IN MISSOURI—JOURNEY TO CALIFORNIA—EARLY EXPERIENCE—ON THE COMSTOCK—REMARKS ON STOCK SPECULATION—THE ONTARIO MINE—THE BLACK HILLS MINE—THE ANACONDA—OTHER MINING VENTURES—THE "EXAMINER"—WILLIAM HEARST—IN THE SENATE—SPEECHES AND VIEWS—MRS HEARST—REVIEW OF CHARACTER AND CAREER.

As a rule, our California pioneers were young, energetic, and vigorous—a natural selection of superior men for a special purpose. A new order of industrial and social conditions was to occur in which they were to be the factors. Their fitness for such a career was in a measure displayed by the very fact of their pioneership, for it required self-assertion, enterprise, and ambition to cut loose from home associations and make so radical a change in their habits and mode of life. The journey to California, whether by the Isthmus or across the plains, with its attendant difficulties and dangers, to say nothing of the expense of the same, was such as to limit early immigration to a comparatively few, considering the large sources of population drawn upon. The eastern states and Europe, to some extent, contributed to the westward movement the very best elements of its more youthful, active, and intelligent manhood. As though so ordered in the economy of nature, the time had arrived in which a new empire was to be built, and they were selected to build it. It is not to be denied that the first impetus toward the forming of a new civilization on these western shores, as well as much of the foundation work of that civilization, must be credited to the pioneers as a body. For their manifestation of the qualities which characterize men of dominating spirit, it is just and agreeable to accord them credit and distinction collectively. But there are chiefs among chiefs. If in the first instance the early pioneers of California were a selection, it is also true that another and final selection was to take place among themselves. I do not know of a more striking illustration of that natural law, the survival of the fittest, than that which has been furnished in the history of California during the last forty years. For while many have lived and worked so as to commend themselves, only a limited number have displayed the force of character which is capable of long-sustained effort, the force which distinguishes those who are not only able to control others, but who also retain throughout all vicissitudes, temptations, and demoralizing influences the mastery of themselves. Such men are rare in any country, during any epoch. They stand out in bolder outline, larger, more striking than others, each idealizing in his individuality the individualities of a certain class, expressing in their lives and work at once the sum of the achievements and intellectuality of the community of which they are a part.

The industries of the Pacific coast, varied already, are rapidly growing more diversified as its resources and capabilities become better known and appreciated; but the birth of that magnificent domain, considered as a part of the great world of commerce and society, is due to mining. For years every other industry was dependent upon and incidental to it. The energy of the singularly well adapted men who migrated to California in quest of fortune, applied to the development of its mineral resources, laid a deep and permanent foundation upon which a multiform superstructure was to be reared. More than this, mining has not only furnished the basis of development, in whatever shape, but it has been a notable part of that development. For a period the history of California was almost exclusively that of a mining community, while at no time since 1849 has mining failed to play an important part in the annals of the state. A complete picture of mines and mining in California, Nevada, and elsewhere in the mineral regions throughout western North America, portraying the lives of those who devoted themselves altogether to that industry, affords a view of humanity under conditions most unique and picturesque. The lessons thus perpetuated are priceless as a study, economically, morally, politically, and socially. Though I recognize the inadequacy of any effort of mine to accomplish fully so comprehensive and delicate a task, yet it is a step in that direction if the chief figures in the industrial drama can be fairly made known to the world as exponents of the times in which they have played a leading part. One of the principal representatives of mining on the Pacific coast, especially of that phase of mining which is termed legitimate, forms the subject of the present study.

It is proposed to inquire into the life and character of an acknowledged chieftain among the great miners in the territory covered by my history, partly because of this distinctive feature of his career, but not altogether for that reason. It is true that the records of some of the largest mining enterprises in the world belong to his history; but he has had more than a miner's experience. His general identification otherwise with California and the great west, not to mention his services in the upper house of the national legislature, and above all the individual himself, the power, the force that he has been and is, inspire in the real student of human nature the deepest interest in his career. I speak of George Hearst, a man well and favorably known throughout the length and breadth of the land whose resources he has done so much to develop.

He was born in Franklin county, Missouri, on the Merrimac river, about forty miles from St Louis, in the year 1820. It is pertinent to inquire as to his origin, his environment, and the conditions of his early life, in order that the man may be seen in the boy. Remotely his ancestry were Scotch, early emigrants to the United States. His father about the beginning of the present century removed from Abbeville district, South Carolina, to Missouri. His mother's people went thither from Georgia. His relatives on both sides of the house were southern people, of strong southern proclivities; tempered, however very perceptibly by their inherited Scotch conservatism.

The Missouri of the time mentioned was a wilderness, and society there was of the crude pioneer sort. Indians were still numerous, and visited the white settlement in considerable numbers every summer. The woods were infested with animals of prey and abounded in game. Farming and stock-raising was the prevailing industry. The work of an emigrant family was first to clear away enough ground for cultivation for the support of the household, and after that to enlarge it as circumstances would permit. It was in every sense a struggle to overcome nature and subdue it to man's necessities. Labor was the order of the day. Men toiled in the forests and in the fields, and women labored as of old in the early days of every country, in their sphere under the home roof. Children, from the time that they were able to do anything, applied themselves to whatever was suited to their strength and intelligence.

The first duty assigned to George, when yet a mere child, was the charge of the poultry, which must be carefully housed and locked up at twilight against the certain incursion of wolves and other animals. The geese, which were raised principally for the feathers out of which beds were made, were his special trust. As he expresses it, he had lots to do. At night on the wide hearth in front of a huge wood fire, with no other light than that of the flames or an occasional tallow candle, it was part of his work to beat out flax and cotton seed. There could be no drone in the hive; and in the midst of such requirements, to be idle was to be pretty much out of that world. True, his father had a few slaves, but their master and mistress and George were not the less active and laborious on that account.

This is the school of which rather an intimation than a description is given, in which he took his first lessons and got his first discipline, a discipline comporting with his own nature but which has influenced all his future career. That he has risen to a solid and conspicuous place among men, that he has succeeded in the battle of life in the eminent manner noted, is largely accounted for by the impulse thus derived from the experience of his childhood.

All history serves to illustrate and enforce the truth that a man perfects himself by work rather than by reading—that it is life rather than literature, action rather than study, application rather than theory, character rather than reputation, to which we must look for the perpetual renovation of mankind. Daily experience shows that it is energetic individualism which produces the most powerful effect upon the life and action of others, and really constitutes the best practical education. Schools, academies, and colleges give but the merest beginnings of culture in comparison with this. In the actual exercises of our nature we get that finishing instruction which Schiller designates as the education of the human race, consisting in action, self-culture, self-control, all that tends to discipline a man truly, and fit him for the practical performance of the duties and business of life—a kind of education not to be learned from books or acquired by any amount of literary training.

Great men come from one sphere of life just about as readily as from another. The college furnishes to some the opportunity of proper development, but it really cripples as many as it perfects. The workshop engenders greatness, the farm above all is the school from which men graduate strong, fresh, elastic, and vigorous. Passing out thence strong in the strength of full personality, farmers' sons, possessing untried ability but earnest in purpose, come into the great cities, bringing with them the tonic of unhampered and self-assertive individuality. Leaders of men are not the product of rank or caste. Endowed with original force, and placed in an environment adapted to the symmetrical development of their parts, the humblest and poorest in station will rise to eminence and domination by virtue of that force and aggressiveness in them which is continually needed to maintain and promote our civilization, the constant tendency of which is to go backwards for the want of recreating qualities or traits in the majority of the community. In many instances the very difficulties encountered seem to be our best helpers, evoking capabilities of labor and endurance, and stimulating faculties which might otherwise ever remain dormant.

It is fortunate for George Hearst that his nursery was that of the farm-house on the Merrimac river. Fortunate for others that the inherent strength possessed by him was exercised in the gymnasium of a farm in the wilderness, such as was his father's. There is so much of conventionality, so great a disposition, even in this our own country of democratic institutions, to judge a man by standards which refer less to the actual merits of the citizen than to the superficial criteria of social and educational precedents.

George Hearst began life with sterling qualities inherited. His father was a man typically adapted for the requirements of pioneer life. Strong, active, and brave, he was a man who could make or mend, intelligent and sound in his judgment. If he had perhaps an inclination to right his wrongs directly by personal encounter, he should not be criticised too severely for that, because in the crude society in which he found himself in the Missouri wilderness, every man was pretty much a law unto himself. Possessing enormous strength and activity, however, and an utterly fearless spirit, he was not often invited to establish his rights in the old primitive way, but, if so, his adversary never had to wait for him. Of earnest and warm temperament he was loyal to his friends, upright and straightforward, prizing the morality of scripture, and leaning somewhat toward the presbyterian faith. Being a man of such caliber and disposition, he naturally exercised much influence; his was the best farm, and he had the best of everything in his neighborhood. He was in advance of the rest of the people in his locality, and being a progressive man, kept in advance of them up to the time of his death. He was large hearted and generous, and to his neighbors he gave away much, and often to his own detriment.

George's mother, whose leading traits of character are largely reproduced in him, was a remarkable woman. In person she was tall and slight, and dignified in manner and carriage. She was educated beyond the culture of her day and neighborhood, and was a student thoughtful and observing at all times. She was a woman of pronounced and earnest religious sentiment, yet withal reasonable and liberal. She took a cheerful view of humanity, and was not exasperated with what seems to harsh and critical people to be an evidence that the world is out of joint. With children she sympathized especially, regarding their mischief as rather an expression of their nature, and hence not to be punished too severely, if at all. The extent of her disposition to punish George was confined to her coming towards him once with a little switch in her hands; but she never meant to use it. With the iron rule, spare the rod and spoil the child, she had no patience. Her discipline was sympathy; the affection binding mother to son and son to mother was so great that this little episode was the first and last shadow of corporal punishment that ever fell between the two. She possessed admirable self-control, was kind, deliberate, and wise; her counsel was the gift of new life to those in perplexity and trouble. She was not given to much talking, but when she spoke her words went to the point; and as she spoke without frivolity or passion, and rarely at all unless there was a purpose in her words, the mistakes she made, if any, were very few. Remarkably clear in judgment, she possessed unusual executive ability.

Her dignity and reserve were united with an even temper and cheerful face. Her charity and kindness were ample and tender. Her slaves were devoted to her, for which there is no wonder. A little negro baby whose mother died, she brought into her own room, gave it a cradle beside that of her own child, and reared it with the tenderness of genuine womanly nature, which is above all prejudice of race or institution.

In her religious views, though a methodist, she was quite broad. She did not desire to force her children into the church, as many mothers, especially at that time, were disposed to do. She seemed really to be living many years in advance of her times and her surroundings.

It is not difficult, having this view of George's mother in mind, to see her in him. His nature like hers is essentially kind, sympathetic, charitable, and affectionate. It is not uncommon, however, that men of the strongest individuality and most rugged traits of character, tenacious of purpose and uncompromising in determination, are yet with all their strength as gentle as a woman. When George had himself become a father, he once administered a very slight and hasty punishment to his son; afterward, however, feeling that he had outraged both himself and the boy, he lost no time in apologizing for the act. It is totally foreign to his nature to do anything precipitately; he is seldom surprised or taken off his guard; deliberate and careful in speaking, he is not apt to talk at great length on any subject. Things which he discusses freely, you may be sure are things with which he is familiar; so that when he has spoken, his words being weighed and measured, will not often be found wanting in pertinence or substance. He is broad, unconventional, unpartisan, and unprejudiced to a great extent in his views and language. In making up his mind he is perhaps as little affected by mere clamour or popular whim and prepossession as a man can be. He does his own thinking and does it in his own way, and having made up his mind as to what is the just and proper policy or course to pursue, he speaks and acts accordingly, with slight wish to antagonize others, yet with clearness and fearlessness, with that firmness and self-confidence which in his mother made her a wholesome and reliable friend and counselor. Self-control and reserve force, traits which distinguish him, were notably conspicuous in her. But as summing up and combining all these superior characteristics, perhaps after all the most distinctive and most universally valuable of all of his traits is his great common sense—that practical faculty which is the governor of the entire machinery of a man's intellect. The character of parents, especially of the mother, are thus constantly repeated in their children; sometimes in such a marked manner as to be apparent to all, yet again sometimes in such a manner as to escape the notice of the superficial observer. Acts of affection and discipline, industry and self-control, which parents daily exemplify, form an atmosphere in which children live and act when all else that may have been learned by them has long been forgotten.

I imagine also that in the production of so rare a combination of the forces that compel success and regard, which forces combine to make the man whose life I am endeavoring to analyze, George Hearst drew upon his ancestry for remote generations; and not only this but that his father, who was a man of marked individuality, helped to endow him and round out his extraordinary character. He is less aggressive than his father, yet nevertheless full of determination to the extent of carrying out what he undertakes to the point of its completion. His father possessed the spirit of a leader, and in order to make himself the leader he was industrious, energetic, and tireless in the pursuit of those objects which bring power and control. Who knows but the mainspring of the son's large ambition comes from the father? The latter had but a small field in which to operate, and his possibilities were limited; the sphere of the former was greatly enlarged, practically compassing the world. It is not unlikely that the repressed capabilities of the father were transmitted and brought to their maximum development in the son.

With regard to George's education at school little need be said. His tuition was irregular and did not extend altogether over four years. The school was held in a spare room in the house of some neighbor, who lived at a central point in the sparsely settled neighborhood; or in a separate log cabin when there was one to spare for the purpose. To this seminary of learning, such as it was, boys and girls came from as far as three or four miles. This was his beginning in books. Afterward he spent about eighteen months in a better ordered and higher school, known as the American academy, two miles from home. Study and work went with him hand in hand, and while he never had any great purpose in life so far as books go, he has lost no opportunity to get whatever information he could from this source whenever available. In his twentieth year he seized the opportunity of three or four months extra study, but his tuition was so irregular and broken that he never got beyond the rudiments of an English education. He was eager to master whatever tasks were given him, and was greatly worried if he did not succeed. His teacher noted a rare determination in him never to leave any task unmastered in order to go forward and take up something new. Whatever he undertook he clung to until he made it his own. In this persistent way, and he could not work in any other, he went through his arithmetic; when his teacher directing him to do so, he took home the book and solved all the test examples which it contained; not without considerable effort, however, for discarding the rules he did all the work in his own way. So thorough was his appreciation of the principles of the reasoning involved, that no process of solution but his own could satisfy him; once having caught the idea, he would not apply it mechanically in any form laid down by others, as though it were not his own thinking if done in the manner prescribed by any one else.

So it has been with him all through life, whatever he has had to do he has done after his own peculiar fashion. Nothing would be more difficult to him than to imitate. He cannot act a part. He must be himself or nothing. His thoughts and his expression must be his own by origin or modification, else he is not able to entertain or utilize them. His individuality is such that it would be impossible for any one to express his thoughts for him as he would express them for himself. Left alone, he can be counted upon to get to his destination by the trail that he makes for himself. This peculiarity of organization accounts very largely for his retiring disposition. Most people grow by assimilation of what they hear others say or observe others do, by the frequent exchange of ideas and associations; but it seems that his is a mind of the subjective sort, contemplative, little influenced by what others say or do, producing for itself, taxing almost exclusively its own resources and averse to every sort of borrowing or adaptation.

Until he grew to be thirty years of age he could not make up his mind that he was as capable or knew as much as other people about him. Concerned in his own affairs and not being disposed to overrate his ability or knowledge, he rather avoided prominence, and, if any conspicuous place was to be filled, he preferred to put others into the lead and to take a modest place for himself. He was a bright boy, not in the sense of picking up things quickly, but in holding on to whatever he began to do until he understood it and could manage it. Not appearing to move rapidly he was swift nevertheless, for his progress was thorough.

His work confined him to the farm during the spring and summer entirely, so that he could go to school only in the winter, and even then only by performing such labor along with his schooling as hard-working boys in those days were expected to do. His father had three farms, from which he made a little more than expenses each year, always adding a little to his property by careful management and strict economy. When he died he left about six or eight hundred acres, which was considered a large tract in those days, of which a hundred and fifty acres were under cultivation. Farming implements were crude at that time, and consequently manual labor was much greater and harder than now. Wheat was cut with reaping hooks.

During his sixteenth year George undertook the management of one of these farms, and, when in his twenty-third year his father died, the entire care of the estate fell upon him.

A short distance from the farm on which he was born some lead mines had been worked for many years by Frenchmen, who were the first settlers, mostly in Washington county, Missouri, and had come there on account of these mines. Fifteen miles away certain of these Frenchmen had smelting works, in which they reduced the lead ores from the mines mentioned. George made frequent trips to the mines and reduction works, and became quite familiar with the methods employed to extract and smelt the ore, which was galena, carrying from seventy to eighty per cent lead.

When he was fifteen years of age, a mile from his father's house the Virginia mine was discovered, a large rich deposit of galena, one of the most valuable properties of its kind in the world. His ideas naturally led him into mining. Farming was a slow business as carried on at that time, and afforded scarcely more than a comfortable living. He saw money made out of the mines, and noted with satisfaction the facility with which men engaged in mining were acquiring wealth. He became very friendly with many of them, and, while familiarizing himself with their mining processes, observed the easier and more elegant manner of their living as compared with that of the farmer. It was under these circumstances that George Hearst really began to be a miner.

The mining that he saw carried on was not altogether scientific, but it was effective and practical. Having a taste for the industry at once, he was not long in making himself a part of it. The miners would not wash out all the rock taken from the vein, and he and other boys were allowed to pick over the banks of dirt, and would often accumulate galena nuggets during the day to the value of fifty or seventy-five cents. At that time it seemed to him that lead mining in this district was all that it need be. Later he became a part of a system of mining in the far west which was a great improvement on what he had witnessed when a boy, and, in fact, was superior to any other mining in the world; but he found that Missouri lead mines suited him well, and certainly it was a good school for him to take his first lessons in. Nor did he get information only. When about twenty years of age he mined for himself in copper, and made and put aside some five or six thousand dollars. This was greater wealth than any farmer in the country thereabout would amass in the same length of time.

It is a notable fact that when gold was discovered in California very little was known of the sort of mining required, and that a large majority of the men who went to California to work the placers had not the remotest idea how they were going to do it. The early California miners got a great deal of their education from emigrants from the practical mining school in which George Hearst obtained his first ideas on the subject. The early rules of mining in California originated largely in Missouri. Upon the laws and customs regulating this industry in the latter state the laws and customs in the former were based. There were probably five or six thousand people in the Missouri mining regions referred to, a great many of whom went to California, and there not only contributed their labor toward the development of mining in the golden state, but carried with them certain preliminary regulations touching the size of claims, the manner of acquiring title to them, priority of rights by discovery, subdivisions of deposits, etc., without which contention and delay would have resulted. Many of these Missouri miners went very early to California. It is likely that they contributed more information and taught early Californians better in practical mining than any others who went there.

When the California fever broke out in 1849 it seemed to young Hearst that this was the El Dorado for him, and he would have gone forward directly but for the advice of an old friend, an intelligent man who was well informed on the subject, and who had studied the matter carefully.

"Don't go out there," said he. "The same gold that they are making so much noise about was discovered many years ago by the Jesuits."

He produced books and read his authority for this statement. George naturally thought, as this friend did, that there need be no greater excitement then than years before. Next year, however, having received more direct information showing the fallacy of his friend's counsel, he made up his mind that he would emigrate. But the care of the family, consisting then of his mother and a sister, devolved upon him. He was the mainstay and comfort of the household. The estate was encumbered to the extent of its value by security debts, which, through indulgence to his neighbors, his father had contracted. This incumbrance, which George had saved money enough to pay off, was not the greatest difficulty he had to overcome in leaving home.

He was very devoted to his mother, and very fond of his sister, his only brother having died. It was a severe shock to them to think of his leaving them to go so far away from home upon so uncertain a venture, but Mrs Hearst, in her wisdom and in her confidence in her son, at last resigned herself to it as the best thing for him to do. His profits at home were slight, comparatively, and she was sure that where others were succeeding, George would succeed. Besides this, his health, which was impaired by malaria, it was thought would be restored by a change from Missouri to the mountains of California.

In the spring of 1850 he departed. He did not leave alone. His mother and sister accompanied him on horseback for two days. To part from them was a great trial; and if it had not been for his pride of purpose, he would have been sorely tempted to renounce his project and return home, to live out his life as he had begun it. Affectionate as was his nature, and moved by the tears of those nearest and dearest to him, it is not unlikely that he came much nearer not going to California than he himself suspects or admits.

Thus it is that a great future and a rich destiny may depend on a slight but tender influence.

The details of his long, wearisome, and trying journey, with slow-going oxen, would furnish material for an interesting chapter. The route across the plains was the trail selected by cholera and a virulent type of measles to travel on, during the late spring and summer of 1850. Every mile a grave, and so much helpless distress. A single drink of brandy which he had left when the cholera seized him saved his life. An old man and his wife who had left all else behind them, started out with their five stalwart sons on the treacherous plains for California where with bright hopes but for better or worse the whole family would begin another life together, buried their five boys at Plum creek, Nebraska, and their hearts with them. Then, with no incentive to advance, they turned about, bewildered, and mechanically retraced their steps!

A great many fell victims to disease, or were otherwise wrecked in crossing the plains, because of the hurry and excitement which prevailed, owing to which, and to the lack of experience in making such a journey, they did not take proper care of themselves, nor of their stock. Distressing accidents occurred, whereby men and women, hundreds and hundreds of miles away from home, had to throw themselves upon the mercy of others who were hardly able to help themselves, praying to be fed, or their teams giving out, or wagons breaking down, to be transported to their destination, there being no means to get back home. It is to the credit of young Hearst that he gave manful and ready assistance whenever he could relieve those who were distressed. If others were not able to see the means to the end, he would lead the forlorn hope, manage in helping others to overcome difficulties that seemed insurmountable. Of what he had he gave freely to those in need, and never tired in his efforts on behalf of the unfortunate.

After a terrible experience in crossing the sink of the Carson, where some of his oxen died of thirst, he got to water at last. Then the great dangers and privations of the way were behind him. He had borne up bravely and well under the trying experiences of the trip, but at the Carson river he succumbed to a slow fever, after recovering from which he proceeded on his way over the Sierra, but not until he had spent his last hundred dollars for a hundred pounds of flour!

The first place at which he stopped in California was Pleasant valley, about eight miles from what was then known as Hangtown, a name cast off many years ago, and replaced by another which if less suggestive is not so offensive to the ear, Placerville. After he had recuperated sufficiently to work, being at Diamond springs, an elevation was pointed out to him where some miners were washing out gold. This was his first view of mining in the new country. He began to work in the placer diggings, and had the fortune, of perhaps ninety-nine out of a hundred who did likewise — now with full purse, now poor. These vicissitudes were the order of the day, however, and troubled nobody particularly.

His first attempt at gold mining was at Jackass gulch, one of the many suggestive and not always euphonious names in devising which the early Californians were apt and peculiar. One night when a number of miners were gathered about their campfire, perhaps exchanging reminiscences of the states, or discussing their various prospects, joking and laughing, the announcement that a grizzly bear was moving upon them set them all to climbing trees. From their various heights they kept emptying their six-shooters into the intruder until he ceased to struggle; coming down cautiously thereafter, they discovered that the grizzly was a burro!

Hearst continued placer mining with ups and downs until 1865, but in the mean time operated a quartz mill. He and his associates discovered a mine where others preceding them had built a mill.

The ore from the mine, free gold quartz, was very rich, and in anticipation of making their stake at once, they traded for the mill and went to work with it. The lead soon gave out, however, and they were not much better off for their industry. The snow was so deep that no work could be done, and it was next to impossible to get about. This was in the severe winter of 1852. The standard price of every commodity was a dollar a pound, except beef, which was sixty cents a pound.

When Washoe attracted the first attention, in 1859, he had not made great headway in the accumulation of wealth. He had made still further attempts in placer mining, and an additional experience in operating a mill to reduce the ore from the Lecompton mine, which was a good property. Ascending the Sierra from Nevada county he hesitated at times whether to go forward across the mountains or retrace his steps, so uncertain was everything, as he had learned by experience, in the nature of a mining excitement; but fortunately for him, and for many others, it was hard for him to turn back after he had once fully determined to go forward. I can fancy what doubt and weighing of chances must have occupied his mind, when from the first point of view on the eastern slope of the Sierra he looked across the intervening valley of the Carson and saw a few shanties at the foot of Mount Davidson, the site of the largest silver deposit with one or two exceptions in the world, and which has been the scene of more extensive, more costly, and more scientific appliances for the exploration and development of a silver mine than have ever been known elsewhere, and which stand to-day as the criterion of the utmost reach that men with their present information are capable of doing in a struggle with nature under similar circumstances. The suggestion, at the time that he stood and looked down upon the future Comstock, that such results as this would come out of the pioneer efforts of himself and his associates, would have been entertained about, as readily as that they might find a means of conveyance to the moon.

It was all the merest speculation; everybody concerned in it had to learn what it was, very slowly at first, largely by experiment, and I may say not without the help of accident. But in the course of a few years scientific zeal and the ingenuity of practical men, raised the veil from the mystery of this wealth which had often to be stumbled over and thrown aside before it could be known. Thus does nature guard her treasures of precious metal or knowledge, yielding them only when compelled. Yet in this there is no disparagement of those men who, carried forward by impulse, instinct, or destiny, held to their purpose and, at last, by persistence, energy, and intelligence found what they sought, and vastly more than they ever dreamed of—wrought out a problem from conditions which were new and strange, and which were it not for the narrowness of all human information I might say is not likely to occur again. There has been but one Comstock lode. Thousands of efforts have been made to find another, but while this other may exist, so vast and unparalleled has the first proved in its treasure and singular features, that it is easier to rest upon the thought that a single continent is not likely to contain the duplicate of such a wonder.

His first visit to the Comstock extended over about two months. He saw enough to convince him that the prospect was a good one to come back to. Getting together what money he could, by selling out his property in California, he returned immediately and purchased an interest in the then unexplored Ophir mine. The circumstances of the development of the earlier and later mines along the lode are given elsewhere, and need not be discussed here at great length. Suffice it to say, that Mr. Hearst and the other miners who went to the Comstock, did so in search of gold-rock, and having this in mind thought of nothing else for the time. The ore they discovered was rich in gold near the surface and carried also a black substance. This was in their way; they tossed it aside. The stuff thus discarded was silver sulphurets of almost fabulous richness.

The information coming to him later that this rock was valuable, he had a piece of it melted and sent to an assayer, who stated that its value was $1,004, in gold, not trying it for silver at all—of which it contained over $2,000. This was not even suspected. A man named Jim Southwell, after taking several drinks, and feeling a little exhilarated, said to Hearst,

"Do you know what this is?"

"No, I do not: except I know that it is metal."

"Come here," said he, and taking Hearst aside, he whispered in his ear, "that is silver."

"How do you know?"

All he would answer was, ' We are all sure of it."

The discovery had been made, and several evidently were in possession of the secret, but prospectors are very often as much disposed to discuss their secret affairs as women are said to be. The news was too good to keep.

Owning one-sixth of the Ophir mine, which was then divided into twelve parts, Mr. Hearst and his partners worked away until they had out forty-five tons of ore. About this rock various and conflicting opinions were expressed: some said it was of no value; others that it was silver. Hearst and his associates had faith in the strange looking stuff; they felt sure there was silver in it, but how to get the silver out of it was the question. Hiring mules they packed it to Sacramento, and shipping it thence by steamer to San Francisco, they set to work to find somebody who could extract the precious metal from it. None of the local assayers or mineralogists would pay any attention to them. An Englishman named Davis offered to ship it, on commission, to Swansea and have it tested and, if possible, reduced there. That seemed to the miners too long a story; they must have returns sooner. At last they ran across a German chemist, Kustel, who said he would build a furnace and smelt the lot for $450 per ton. How absurb it would be to-day to think of reducing free-milling ore in a smelter or of paying such a price for reduction. The actual cost of crushing this same character of ore, at present, in the mills on the Carson river, and reducing it to bullion is less than $5 per ton! Certainly an evolution, not to say a revolution, has taken place in silver quartz mining in the last thirty years. Had the world moved forward as rapidly in other respects as in this one we would be living a great many years in advance of the present. They accepted the terms of the aforesaid German, who built a furnace and smelted the rock as agreed, turning over to them the unrefined bullion as it came from the smelter. It contained a great deal of lead, and nearly everybody said it was all lead or mostly lead in combination with other base minerals. It was even said by some: "These fellows have got this stuff up from Mexico and are on some swindle." But they took their bullion around to the mint, and in a day or two the superintendent said to them: "Boys, (that is the name men ordinarily passed under in those days) come up to-night, I will give you some money." They went up and filled their pockets with shining coins, and then going back down town some of the party subjected them to a supplementary and final test, for skepticism was so obstinate that notwithstanding the image of the goddess of liberty and the American eagle stamped upon the metal by the authority of the government, its current value must be tested across the bar—that institution which was so universal and so potent when California was in her cups. The new money was approved, and accepted there and then; the Washoe excitement began in dead earnest in the spring of 1860. And the showing was enough to warrant the wonderful hegira which at once took place; for, although the expense of transforming this 45 ton lot of ore into money was $42,750, they cleared out of it about $80,000. It cost them $22,500 or 25 cents a pound to freight it by the method of transportation already indicated.

That summer the war with the Pyramid lake Indians broke out, a most unnecessary and melancholy affair for the white people of central Nevada. It caused demoralization for a time and entailed great loss upon many, among whom was George Hearst. He was forced thereby to dispose of a part of his interest in the Ophir mine and retired temporarily to California, but later resumed operations on the Comstock, where he continued until 1866, known as the leading spirit and expert miner in that district. It would be safe to say that no one could judge the character of a mine nor develop it to greater advantage than he. In fact, he had no equal in these respects. All that was of practical value to know regarding minerals and mineral formations, he knew. In this sense his perception is so acute that it may be said of him, if it can be said of any one, that he was born a mineralogist; for, while to most persons the structure of a mine and the nature of its deposits are an impenetrable mystery, to him a ledge, its walls, the country rock, and the geological history of a mineral district all speak in a language that is direct and familiar. To him this is instinctive knowledge, perhaps superior in practice to the teachings of a technical school. Adding to his intuitions the lessons learned by observation and experience, he has become a master miner, and is so recognized by all who are familiar with his achievements and are capable of appreciating such a combination of the elements in one man as makes him the leader in practical mining in the United States, which means in the world, for our nation is already in advance of all others in this industry. If I were asked what are the elements that constitute such an order of ability, talent or genius for mining as he possesses, I might answer the question by asking another, for instance: What makes one man preëminent in anything in which preëminence is dependent upon a peculiarity and fitness of mind and character? What are the essentials to superiority in literature, science, art, or commerce? Each of these and every other calls for an intellectuality more or less distinct, and so does the practice as well as the theory of mining. It requires for its successful prosecution an intimate and extensive comprehension of both physical and human nature; for the miner is antagonized at every step not only by the earth but by his fellow man. The history of mines and mining would be but meagerly written if the record were made up altogether from underground experience; the most serious events to be chronicled in this history take place on the surface. The miner, in the widest sense of the word, must be familiar with the actual business and operations of developing a mine, and he must be able to maintain himself in the inevitable competition and struggle with a class of men, who, striving for large gains at small cost, are unsurpassed in fertility of expedients, persistency, and daring. He who would survive in mining must first of all know for himself with some certainty what a mine actually is, which knowledge is rare, and for the lack of it many ruinous mistakes are made.

It is by no means a simple, easy matter to acquire possession of a valuable mining property, either by right of discovery, which involves a world of prospecting, or by purchase. The process is generally a battle from the first to the last step, and then if in the end undisturbed possession of a mine is obtained, a new history is begun. A mine has its individuality, and, in order to be worked advantageously it must be understood. In its season of bonanza its proprietors must look well to the economies against the day of borasca, which is sure to come at some time.

The control and management of a mine is often a commercial and financial problem, the solution of which requires the greatest caution consistent with enterprise, the greatest deliberation consistent with despatch. The typical miner, having once formed his judgment in accordance with the facts, as he perceives them, must go to the legitimate conclusion of that judgment, otherwise he would be in his business what others without enterprise are in theirs, a commonplace operator. In other words, in the ratio in which a mine involves a greater or less amount of capital it involves a greater or less amount of attention from the eager and selfish world, which is at war with it and its owner. In prosperity he has the sympathy and encouragement of all, even of those who envy him and are ceaselessly engaged in efforts to overthrow and displace him; but, if he fall, his fall is likely to be as that of Lucifer, who never rose again. The ability to rise out of the ashes of borasca is perhaps the very best test of manhood as exhibited in mining. Those who fall and are crippled or killed make but a ripple upon the surface of mining; but the few, among whom George Hearst is a conspicuous figure, who come up fresh and elastic from catastrophes such as overwhelm and bury others, erect a fresh monument to themselves in the history of mining whenever they rise again.

The difference among those who survive and those who perish is about the difference among the number of miners, who, by accident, are buried under a mass of debris; one will make his way out perhaps by well nigh superhuman exertions and live, the others remain to be dug out by friendly hands after the life has gone out of them.

Hearst's maturity as a miner was probably reached during his experience on the Comstock; still this was hardly more than the beginning of his activity in enterprises that have been an important part of the world's mining.

Mr Hearst was called away from the scene of his operations to the bedside of his mother. Leaving his affairs as best he could in the hands of others, he went to see her and be with her to the end of her last illness. One of the most agreeable and attractive features of his character is the unselfish and tender regard he always evinced for his mother, whom he so much resembled and who had never been out of his mind in all the vicissitudes of his busy and eventful career. He devoted himself entirely to her, doing everything that love and affection could devise for her comfort and consolation. Seeing that her end was rapidly approaching, her great solicitude was for his future. Retaining her clearness of mind up to the very last, she counselled with him from time to time, and offered him convincing reasons why he should not remain unmarried as he had proposed.

The young woman who filled her mind as the one to make him a good and true wife was a neighbor's daughter, named for herself, Phœbe Elizabeth Apherson, a sensible and beautiful girl, of whose character and worth she was sure. It was his good fortune to act upon his mother's advice, which, in the fullness of time, for so happy and so serious an event, resulted in his securing the prize for which he strove—a woman whose price is far above rubies; who looketh well to the ways of her household, and eateth not the bread of idleness. From the day of their marriage, June 15, 1862, she has given him that support which comes of pure sympathy. Their love was born of mutual respect and perfected in appreciation, and they have lived the compliment and supplement of each other in typical wedlock.

He had told her but little of his affairs in California, and she allied herself to him for himself not for his fortune, while he prized her for her own worth. Arrived in San Francisco she found that her husband was a man of large business, and occupying a leading place in the affairs of the Pacific coast, of which the metropolis was the centre.

Mrs Hearst's people were early Virginians, connected with the old stock, among whom were the Randolphs of Roanoke. Her grandfather was Dr John Apherson, of Abbingdon, Virginia, an excellent physician and a prominent citizen. Her father went at twenty years of age to Missouri, where his principal occupation was farming; although he was interested also in business in Keokuk, Iowa. Her mother's family were Dutch people of means and respectability, who settled in Charleston, South Carolina, whence they too emigrated to Missouri, when her mother, whose maiden name was Whitmeyer, was two years old. There are still some of her relatives living in Holland. She attended school in the neighborhood of her birthplace until she was fifteen, and then received a year's tuition under a governess in the family of a friend. She was a very ambitious girl, fond of study, and loved her books above everything else. She was an earnest and thorough student, and her education has been continuous, for she has made the most of her opportunities of liberal culture, and, possessing talent, has become a woman of fine literary attainments.

In the society of California, and in the social circles of Washington, she is known and appreciated for her excellent judgment and earnest activity in those things which are the highest ornament of womanhood. The duties to society incumbent upon one in her prominent position she discharges faithfully and with the grace which is to her as a second nature. Her home is the abode of elegance and comfort, of rest and hospitality; but her ambition is not for social distinction, though she responds fully to the requirements of her position. Yet in a moment, if occasion require, she can lay aside without regret all that is unsubstantial in what is called the great world. While living in San Francisco in a style in keeping with the prosperity and wealth of her husband, a shadow darkened his business for a time. In order to relieve him she gave up her palatial residence, and practised the strictest economy.. This evidence of spirit, good sense, and loyalty gave her an opportunity to find out who were worthy to be numbered as her friends. The cloud upon Mr Hearst's finances soon passed away and with it her appreciation of those whose well-feigned previous regard for her, which now they would most gladly simulate anew, went no deeper than a time-serving interest. Mrs Hearst in the kindness of her heart would be glad if in this respect her memory were less retentive; but she takes a bright view of the world, accepting things as they are, and in her circle are many real and faithful friends, her loyalty to whom is never shaken by any misfortune that may overtake them.

There are none more deeply interested in such benevolent work as women can do to the best advantage. Mrs Hearst was instrumental in founding the homeopathic hospital in San Francisco, a most useful institution, of which she was the president for four years, and to which she devoted much of her time and attention. Subsequent changes were made in its management. She was in favor of utilizing the talent and adaptability of female physicians in the hospital, which was considered a step in advance of the times. Her views in regard to this matter were purely those of fitness and expediency, for she has in every way been opposed to what is called woman's rights, believing that women should take no part in politics so far as voting is concerned, or should indeed undertake any work for which she is disqualified by nature, education, and the environment of sex.

Mrs Hearst did not wish to be merely prominent in charity, but to be an actual factor in all good work. She has taken a special interest in the kindergarten system, which she has studied very carefully, in theory and practice, both in the United States and in Europe. At her own expense she has established and maintained three schools in San Francisco, in which a hundred and fifty little children get their first tuition according to a rational and natural plan. So much depends upon training children in the budding season of their growth, and in moulding them at their most impressionable age. To provide attractive lessons for these waifs, some of them taken from the very gutters, to say nothing of clothing them and conciliating their parents, requires the inmost spirit oι charity, together with no small measure of application and patience.

Another work to which Mrs Hearst has devoted herself, but to which she has not yet been able to carry out, is the establishment of an experimental industrial school, in the hope that it may lead to the founding of similar institutions throughout the country. This was suggested to her by the want of such a feature in the public schools, and by the opportunity which occurs between the time when the child leaves the kindergarten and becomes old enough to be registered in these schools. Children, she thinks, enter them too early, and are kept in a certain groove until their personality, which is often the last thing studied, is impaired or destroyed.

If between the kindergarten and the public school the child can be taken, and its faculties trained with an agreeable, and healthful development, what an improvement might not be looked for in the mental and moral character of our boys and girls! When in Europe she had letters to the managers of such institutions in Berlin, Vienna, Dresden, and London, and made a close investigation into the subject, which she has now formulated in her mind, so as to be ready to put the plan into execution at the earliest practicable date. It will take time however, and coöperation, as the expense of even a thorough test will be considerable, and require much care and attention.

She looks forward with pleasure to the founding of a manual school in California, where the advantages of climate and health conditions are superior. In the gardens in which it is proposed to teach children, their little minds will be put into communion with plants and flowers, and a sympathy engendered with nature, animate and inanimate. Under skilled and earnest guidance they soon learn the actual history of each and every plant, their character and uses, and the various industries dependent upon them. In addition to this, living objects are to be minutely and familiarly described to the little ones, offering them tempting and delightful occupation at the most critical period of their mental development.

Then again, under the system of industrial teaching proposed, girls should be taught cooking, washing, ironing, mending, and general housekeeping. "How wasteful," remarks Mrs Hearst "the poor people of our country are! It is extraordinary that generally they so ill understood how to get the most out of the little they possess. They often use the less nutritious food, and discard that which is more nutritious, merely for want of a rudimentary knowledge of dietetics. The life of our social system depends greatly upon healthful and happy marriages; but as a rule our girls are not brought up to be useful and helpful, and a great many men are deterred from marrying by this fact. I look upon such a training as essential; for all persons should feel that labor is not only honorable, but that it is a necessary discipline, and indispensable to the formation of sound character. I do not think that people should be educated above their station in life, and no harm can come to any one from being prepared to make the most of an humble home.

"I have not the slightest idea that the advantages of education should be kept from the poorer classes; on the contrary I think they should be educated in a way that would enable them to make the most of their present position and cultivate them to fill any higher station to which they may be elevated. Girls should be taught to do all kinds of useful work. I am indebted to my mother that I am able to sew, wash, iron, mend, and churn. I did not find her discipline altogether agreeable at the time, but I have learned to thank her since, for her teaching has made me independent.

"I think if I should carry out my ideas I would like very much to establish a kindergarten and a manual labor class at each of the mining places where Mr Hearst is interested; at the Anaconda mine in Montana, for instance. I saw such a school in operation at Potsdam, Germany, under the general care of a lady whose husband was engaged in a large manufactory. I see no reason why we should not do something of that kind in our country. I think it would tend very much toward preventing the troubles which are so much feared by us on account of the various nationalities among our laboring people, which do not readily assimilate. It seems that an earnest effort in this direction will be rewarded by an improvement in the children in the next generation. Higher education will always take care of itself; we should look rather to rudimentary and useful training."

During her travels in Europe, Mrs Hearst has taken great pains, as a lover of art, to make herself familiar with its principles and history, and has manifested her appreciation of this branch of culture by giving to more than one young woman of talent the opportunity of studying at home or abroad in the manner best adapted to their natural qualifications. She was elected president of the Century club, a society of women devoted to the cultivation of art, literature, and music, and which has recently become a part of the national society of the same general character.

Mr Hearst withdrew from mining on the Comstock in 1867, and for a short time was occupied in real estate transactions in San Francisco, anticipating the activity that would result from the completion of the first overland railroad. In this side work—for everything but mining had been incidental to him—he lost all the ready money that he had. Upon the real estate of which he retained ownership, he borrowed a considerable sum of money and went down into Kern county and mined successfully. Re-entering the real estate business, he retrieved himself, and by 1869 had added largely to his wealth.

His next turn at his regular vocation was a mining enterprise in the territory of Idaho, in which in common with other conspicuous Comstock mining men he sunk a great deal of money. So precarious is mining that the best judgment will be at fault sometimes; but losses are more likely to occur in mining if an enterprise is undertaken upon some one else's representations; for although there must always be an element of speculation in mining work, the conservative miner can ordinarily so hedge himself about as to take comparatively few more risks than are involved even in any other avocations.

In the White Pine excitement he was present, and had to do with the principal features of that development. When the tide flowed over to Pioche, he was found there, but before the wreck came he had the foresight to leave the ship and save himself. At Mineral hill his expert knowledge was valuable to himself and to those associated with him. Again at Eureka, all of these mentioned being in the state of Nevada and celebrated in the annals of mining, he was the man who had the largest part in putting the Eureka Consolidated mine upon a basis of development. His judgment in securing and working this mine, which afterwards proved one of the most substantial bonanzas in the silver state, was an evidence of his sound sense; and that he withdrew from those that were engaged in the enterprise with him was not because he thought less of the investment when he gave it up than when he made it.

His next movement in mining was in the neighborhood of Salt Lake City, Utah, to which place he was attracted by a telegram in which it was claimed in the superlative language of mines and mining that "the biggest mine in the world" had been discovered thereabout. Great excitement prevailed. Conflicting opinions were expressed with regard to the value of the new find. Marcus Daly, now prominent in mining in Montana, associated there with Mr Hearst, gave it as his opinion that the mine so called was worthless but said that there was a little mine in its neighborhood that a prospector was digging into and in which he had made a hole about four feet deep and perhaps six or eight feet in length.

Said he, "Mr Hearst, my people don't like it, but I think you will."

Mr Hearst went to examine what by courtesy was called a mine, a hole dug by the side of the vein. Others had been prohibited from sampling the deposit but, knowing him so well, one of the owners told him to dig away into it all he wanted to, saying, "You can tear it down all you will. I have had a chance three different times since I came out here to make a stake. This time I'll make a go of it. I am going to sell."

He and two others were the proprietors.

"How much do you want for it?" asked Mr Hearst.

"Twenty-five thousand dollars; there is not much done yet but you just stay round here awhile and watch us; we are going to sell."

The others of Mr Hearst's party, to show the difference between those who travel on a straight road and those who are running aside in pursuit of other things, were eager to get to Pioche, then the scene of great mining activity; so eager in fact were they that they paid little attention to what Mr Hearst saw would warrant a thorough investigation. When they called him up in the morning to go with them he said:

"I am going to stay here and watch this little mine awhile."

Going out every now and then to see how the work of development progressed and how the formation held out, he spent three weeks in the neighborhood occupied entirely with this prospect. Finally his mind having been made up, he got possession of the property for $30,000, paid for the ground and $3,000 to satisfy and get rid of an outside party who held some claim to it.

These are the circumstances under which the marvellous development in the Ontario mine began, beyond the mountains, some thirty-five miles south-east of Salt Lake City.

Its history from the beginning is but an extract from the history of George Hearst, miner. It is significant that its annual net output is in the neighborhood of one million dollars, and that its total net yield up to July 1890 has been upward of thirteen million dollars.

It is easy thus to outline the beginnings and perfection of an enterprise on paper ; but it must not be assumed that all that Mr Hearst was called upon to do was to extract the metal from his deposit, build reduction works and convert ore into bullion. The rock was rebellious, containing a small percentage of lead and zinc, a little copper and a little gold. Ways and means had to be devised by which to extract the precious metals from the ore profitably. He was engaged upon this problem when the cloud upon his finances recently referred to in my brief mention of Mrs Hearst, made it imperative upon them to husband their resources until the obstacle was removed. The uncertainties and anxieties involved in the struggle with a new and untried character of rebellious ore such as this, and which involved the loss or disuse of a vast property such as the Ontario was then recognized by all to be, can only be appreciated by those whose all was tied up in it. Without going into details as to what process was discovered by which to reduce the ore, suffice it to say, that largely to Mr Hearst's faith, pluck, and determination, the problem was solved with the result as best indicated from the fact that the Ontario mine in 1890 was yielding regularly a dividend to its owners of upwards of $75,000 per month.

Another mine owned by himself and associates in the neighborhood called the Daly, which would be noted as a remarkable property but for comparison with the Ontario, is yielding himself and others $30,000 per month.

The next large undertaking in which he engaged was mining in the Black hills of Dakota. It will be observed that his operations were not confined to any one or two districts or states, but that his enterprises carried him to widely separate points and into new and untried fields; for he had the boldness and self-confidence to apply his energies wherever his judgment led him. In this he differs from almost every other great miner on the Pacific coast; for as a rule it is contrary to their policy to distribute their energies over a wide field, for the reason perhaps that they are wanting in that elasticity which characterized Mr Hearst, and are more apt than he to tie themselves down to a locality to which they have become accustomed. For it seems to me that in covering the immense territory that formed the field of his operations, his concentration has not been less, but rather the greater, the diversity of conditions under which he has worked proving to be a stimulus.

It appears that as the oak from the acorn, so all large things have apparently an insignificant beginning, originating often in seemingly trivial circumstances. One of the evidences of genius in mining, however, is to know a lead when you see it, and to follow it up until it either proves a failure or develops into a mine. In this instance Mr Hearst was not by any means the only one whose attention had been drawn to the Black hills, nor, as we have seen, was he the only one when he had been called upon to inspect the hole in the ground out of which came the Ontario. His superiority as a miner appears perhaps as strongly in this fact as in any other. That he has acted upon and at once tested what in his judgment pointed to the existence of a valuable mining property is evident, and if any substantiation of his judgment were needed, it would be sufficient to simply note the character of mining property that he has thus got possession of by following up a lead which, to others, either appeared to be blind or worthless.

In 1875 a wild fellow of a distinct class known as prospectors, who was in the habit of coming to Mr Hearst and getting a grub stake and money to keep him moving over the mountains, sent him word of this mine. The first samples of the rock he saw at Salt Lake City the year before and discovered gold in them. His superintendent, Mr Chambers, in charge of the Ontario property, was sent by him to inspect the Dakota prospect and report upon it, but the Indian outbreak rendered the proposed trip impossible. In the meanwhile Mr Hearst was taken ill, and, during his illness a stack of telegrams came to him, but lay unopened until he recovered and was allowed by his physicians to resume business. Taking immediate steps to get full information upon which to pass judgment regarding the enterprise, and having thereupon satisfied himself that the Dakota property had a great future, he endeavored to get certain San Francisco parties to take part with him in the project. It was too far away from base for them, and becoming tired of their indecision, he made the announcement to his partner, Mr J. B. Haggin: "To-morrow morning I start for the Black hills." It is in order at this point to say that Mr Hearst ascribes much of his success to the assistance of Mr Haggin's masterly financial ability, and his ever true and loyal sympathy and coöperation. To his other able and well chosen associates, all along the line, he is equally just and generous, honestly dividing with them his credit as well as his great work.

The intervening steps may be passed over to the point where Mr Hearst, having by quick and decisive action got possession of the mine which he wanted, he set about vigorously to develop it. In the district in which he now found himself nearly every mining enterprise was a failure, and he saw with a breadth of comprehension peculiar to himself that it would not do for him, and those interested with him, to go forward in the management of their property as others were doing with theirs. That is to say, that mining in the Black hills district on a small scale could not be made profitable on account of the very low grade of the ore; but that there was a margin of profit to be made by the extraction and reduction of this ore on a very large scale. With him action followed upon the heels of thought.

His first step to enlarge the field of operation was to put two hundred stamps in motion, later increasing the number to six hundred, which now fall continuously through twenty-four hours of each day. The ore, which is of the free milling character, carries but little gold, which is the only precious metal it contains, and is made to pay by the cheapness with which it is reduced; which cheapness, as indicated, results from working it on a prodigious scale.

Along with the work of continuous development of this property, he and his partner, Mr Haggin, have incidental water rights, which they use for their own purpose, and with which they supply the community congregated about the mines. They also have a railroad, built at no small cost, and like the water supply is used mainly for their own purpose; but is of great benefit to others in whose midst their work proceeds.

It should be noted for the light it casts upon the subject under study, that various attempts had been made by other parties to bring water into the mines, but that all such efforts, looking to the introduction of the amount of water needed, had failed; and that the project was finally given up, because it was calculated that the amount of money necessary to bring in water on the scale required was too great to make the project a good investment. But Mr Hearst, with the practical knowledge of mining in all its details, and possessing that faculty of observation which a great author has called equivalent to genius, bought a number of water rights and springs, and by leading them all into one channel arrived at the results desired at a comparatively slight cost; that is, about a hundred and seventy thousand dollars; whereas, the general calculation had been that the expense would amount to not less than a million.

The great value of a life such as Mr Hearst's is incalculable. It is priceless in this, that it enlarges the sphere of human possibility by demonstrating to those who seek for lessons in his life that things are capable of accomplishment, which, but for the encouragement of his example, might seem hopeless and offer only apprehension and discouragement. The force of his character justly appreciated is a tonic, a stimulant, for all those, who, finding themselves confronted by obstacles, appreciate what he has done to remove them. The essential and indestructible part of a man's existence is the moral force engendered, but to point perhaps more practicably the advantage that others derive from his living, it need only be suggested that he has not lived for himself, and that the larger the activity of the man the greater the number of his fellow-men for whom he lives.

So far as regards his usefulness to others, it is immaterial to them whether he has considered them in his plans, for in the economy of human affairs all men are interdependent more or less upon each other, constituting the interesting and ever blending parts of one great organism. It has been remarked by one of America's most acute philosophers and political economists, John C. Calhoun, that if the desire for self-aggrandizement, self-interest, selfishness, or by whatever other name it may be called, were not the perpetual motive and mainspring of human action, the world would relapse, society become stagnant, and chaos take the place of industry. The material needs of man are the first that must be supplied. Moral and mental requirements, not less to be cared for, come later. The factor, who by his talent and industry contributes to the wealth, power, and happiness of the community is *ipso facto* a philanthropist; supplying, first of all, to others dependent upon his labor, directly or indirectly, the necessities of physical nature. Step by step as he enlarges his estate his beneficence grows and spreads further and further among those known and unknown to him, whether he have it in mind to so point his beneficence or not. Such activity is practical charity.

Mr Hearst is a man of affectionate and sympathetic temper, and is pleased to see the greatest good to others come out of his personal enterprises; and I apprehend that it is a great satisfaction to him to contemplate the results that have come from his activity in building up others while engaged primarily in building for himself. But so far as these others are concerned, I repeat that the effect of his life upon them is just the same whether they, in the sense of benevolence or charity, form part of his thinking or not. I take it that philanthropy, as commonly understood, that is to say, the act of going about and devoting one's life to the amelioration of suffering or the distribution of alms, is necessarily an incident rather than a rule of human action.

In order to give one must first have, and in order to have one must get. The means of benevolence, the source of beneficence, depend first or last upon the accumulations of those who labor for self-aggrandization with or without a philanthropic purpose in view. I look upon those men who have broadened and contributed to the resources, comfort, intelligence, and health of a state or union, as benefactors of the first importance, benefactors by virtue of their lives.

Mr Hearst's next venture was to be in another remote part of the great mineralogical regions of the west; that is to say, in Montana, at Anaconda, this being the name of a large active and thriving mining community, in the development of which he has been and is still an important factor. His attention was called to it by Marcus Daly, who has had full charge and management of the mine from its infancy—Mr Haggin controlling its finances. To Mr Daly Mr Hearst gives great praise for his remarkable capabilities as a miner, and his not less remarkable character as a man. To him, also, he is largely indebted for important and indispensable coöperation. The history of the Anaconda mine would itself warrant a somewhat lengthy and detailed study; but for the purpose in hand an outline, in which Mr Hearst's identification with it is revealed, is sufficient. Its development opened a new page of knowledge and experience in the mining of the United States. For the first one hundred feet it was thought to be entirely a silver mine, showing some copper at that depth; but at the two-hundred foot level it developed into a large copper vein, and is now one thousand feet deep, the vein being from thirty to forty feet thick.

Here, again, was an altogether new business to learn. Instead of silver a plant must be provided to work copper. Relying at first upon others for the scientific information supposed to be necessary for the development of the mine, various experiments were made with the representatives of foreign mineralogical schools, but all was disappointment. The independent and self-reliant spirit of Americanism was roused, and

Mr Hearst and his associates made up their minds to work it themselves.

In the midst of the difficulties which hemmed them in, and while they were struggling to make the property valuable, a great fire occurred which destroyed most of the works, causing great loss and delay. Without a moment given up to regret or misgivings, they replaced the buildings destroyed, by iron fireproof structures on a still larger scale. At this time the mine is in splendid running order. The problem of the reduction of the ore satisfactorily solved, the yield of the mine is enormous and profitable.

To show how little appreciation of the character and extent of this property was in the minds of men whose specialty was speculation in copper mines and the copper market, it is suggestive to note that when the celebrated French copper syndicate undertook to make a world's corner of this product several years ago, they entered into a contract with the Anaconda company to furnish them a certain quantity of copper which they supposed would tax the mine beyond its capacity to produce; their purpose being to this extent to control the Anaconda mine and thus put it beyond the power of interference with their scheme. The mine however yielded very readily all that the Frenchman contracted to get from it, and went on putting out a tremendous quantity besides.

At almost every point in a mining career running over the period of half a century, characteristic incidents have occurred which afford an insight into Mr Hearst's mind and work. A few of the most suggestive of these are noted in order that he may be understood hereafter in accordance with his acts and the spirit that moves him in his enterprise. What an experience for one man to have had, to be the greater part of the large undertakings his connection with which has been referred to! But in addition to this he has impressed his individuality upon mining in Mexico. He mined four years after the Frazer river excitement in the Cariboo district, tested the country, proved it unprofitable and turned his back upon it. This is a fact worthy of consideration, that many who might have survived in mining enterprises but for the mistake of going beyond their depth, lacked his caution, and in notable instances after exhausting their means in a mining district, found themselves anchored to it, unable to recover, and gave themselves up to the despair of fruitless hopes.

In the beginning of this study I referred to Mr Hearst as an exponent of legitimate mining as distinguished from stock speculation.

The former has for its object the extraction and sale of the precious metals, while the latter means only the exchange of mining securities, the one being the actual production of values, and the other dealing merely in certificates of value. On this subject the views of Mr Hearst, whose long experience entitles him to rank as an authority, may be of interest to the reader.

"As for myself and my associates," he says, "we have had very little use for stock-boards. Our work has been in every way simple and direct; our plan has been to select a mine, put men to work, erect machinery, and proceed to develop it without regard to stocks or stock-boards. I have never felt therefore that our operations have been less straightforward and legitimate than those of any other vocation. That the pursuit of mining should be criticised at all is not on account of the nature of that industry, but because, as in every other pursuit, things are done which ought not to be done, and this is the fault of the men who do them and not of mining itself.

"As to the barter and sale of mining securities, if this is properly done I see no harm in it. I know of course that, owing to the speculative tendency of such transactions, operations at the board have not always been what they ought to be, and to the extent that this has been true, the effect of stock manipulations has been injurious to commerce and demoralizing to society. I am not of opinion, however, that this can fairly be considered a reflection on mining, for the reason that speculation in any other class of property is attended with nearly the same results. I do not think that excitements of any kind are good for the country at large. In fact I feel that they are altogether bad and unwholesome. It is very unfortunate indeed for a great many persons in the community, especially if they are poor, to plunge into stock speculations blindly and ignorantly; for there are often designing men in times of an excited market who are selling valuable shares purchased at low figures, and disposing of wild-cat stock at very high figures. There is a feverishness, a thirst for gambling begot by such speculation, that is not only dangerous but ruinous. People who make and lose money in such chance transactions do not differ from those who risk their money at the faro table upon the turn of a card.

"Still there are two sides to the question. It must be admitted that the buying and selling of stock through the mining board has acted as a stimulus by inducing people to look for mines which would not otherwise have been discovered, and I believe that development has thus been hastened a great many years. If the working of mines had been exclusively in the hands of individuals or companies, the progress of this industry must have been very much slower, and I think that the deep mining which has been made possible by large sales of stock to the public could never have been accomplished by individual or corporate effort.

"One result of the sale of various mining properties through the exchange in San Francisco, making thousands of people contribute to their development, was an activity in mining throughout this coast from British Columbia to Central America such as had never been witnessed before. We had very good mines long before the Comstock was discovered; but little interest was felt in their development, because the opportunity to speculate in them was restricted to the few proprietors of the stock. I think that the stock excitements which followed pushed things forward a great many years. Of course, however, when the reaction came, it was very hard upon a great many people who had put more money into such speculations than they could afford to risk, and lost it all.

"While stock speculation is at times attended with much harm to the individual, it is well to inquire whether this is not in a measure compensated by the fact that, without the intervention of the stock exchange, the vast accumulation of wealth which mining has given to the country would never have occurred."

This is the way in which Mr Hearst considers all great questions, balancing the good against the evil, without prejudice or prepossession, with justice to all and malice toward none.

It is not remarkable that a man of his caliber and temperament should find favor with the public, and that he should be called upon to represent the people in an official capacity. He has never sought political preferment. In fact his own affairs have been so great a tax upon his time and energies that it would have been almost at any time like a sacrifice of his personal interests to fill any office that might be offered to him; while as a private citizen, deeply concerned at all times in every measure affecting the community interests, he has taken an active part in politics wherever he has been, considering it his duty not only to cast his vote but to use his interest with that party which seemed to him to come nearest toward a representation of the public welfare.

In Missouri, when only twenty-six years old, he was a delegate of his party to the state convention in 1846. Without his knowledge and during his absence he was nominated for the state legislature from San Francisco county, and was subsequently elected, and felt bound to serve out the term as his constituency desired. When General Miller was elected to the United States senate by the republican majority of the California legislature, Mr Hearst received the complimentary vote of the democratic minority. Upon the death of General Miller he was appointed without his knowledge and during his absence from California, by Governer Stoneman, to fill the unexpired term of the deceased, upon the expiration of which he was elected by the democratic majority of the legislature to succeed himself.

His career in this body has been independent and straightforward. He has never allowed himself to be compromised with interested parties, who might desire either to promote or hamper certain legislation for selfish purposes; but has been free to exercise his judgment, exert his influence, and cast his vote purely in the interests of his constituency, and the people of the United States, of whom he was a representative not only in name but in fact. Although this is not the place perhaps to criticise the conduct of our national legislature, I do but reflect the general sentiment of the nation when I say that its character and dignity would gain in popular estimation, if all the members were as disinterested and as earnest as he to do the right at all times for the right's sake, looking only to the welfare of the country whose interests have been intrusted to their wisdom and their conscience.

Senator Hearst has occupied a place on three very important committees—those on railroads, on Indian affairs, and on mines and mining. It is as a member of these committees that he has done most of his work in the senate, bringing to bear his large fund of information and devoting his entire time and attention to the consideration of the bills referred, discussing, amending, and presenting them for deliberation to the senate after painstaking and careful study. The real labor of the senate is in the committee room, and there Senator Hearst displayed all the faithfulness, energy, and good judgment which have made him successful in his private enterprises.

Beyond this, his manner, which is always dignified, considerate, and polite, endeared him to those with and for whom he worked; and above all his constituency could depend that all matters in which they were concerned, to say nothing of the general affairs of the nation, would be carefully considered on their merits. The senator was never a speech-maker in the ordinary sense of the term, and being a close observer he saw that the men who said most were not those who carried the greatest weight or were capable of doing the most good. When the occasion came for him to express his views in opposition to a hurtful measure, or to advocate needed legislation, he did so in a brief, pithy, business-like manner; and was always listened to with a deference that gave effect to his statements.

Naturally he was familiar with those economic questions that have been involved to a greater or less degree in his own experience; but his observation and study have furthermore been such as to give him a large fund of knowledge regarding most subjects that come before the senate for legislation. Perhaps the most important matter before congress in the session of 1889–90 was the silver question, on which he was thoroughly at home, and spoke with remarkable clearness and cogency.

"I believe it to be for the best interests of the country," he said, "that provision be made for the free coinage of silver, the coin itself or the silver certificate being made legal tender. All contracts have been made with the tacit understanding that gold and silver is money. It is unquestionably the money of our constitution, which is the fundamental law of the land. A demonetization of silver simply builds up the creditor class at the expense of the debtor, by making it more difficult for the latter to meet his obligations.

"Suppose for instance that there are so many hundreds of millions of dollars in our currency, gold and silver. I build a railroad obligating myself to pay twenty millions of dollars. Capitalists get hold of the bonds of this road and go to the legislature and insist that they shall be paid in gold. This is the attitude that government bondholders stand in toward the people. They come before congress and insist that they shall be paid interest and principal in gold. This is not only a blow at one form of our constitutional money, but strikes at all contracts made upon the basis of silver as money.

"In other words a comparatively few interested persons have gone a great way toward manufacturing a sentiment against the good hard white money of our fathers, and it is due to their efforts principally that silver was demonetized. The time has come in my opinion when in justice to the wishes of the mass of the people, particularly to the debtor, and in accordance with the best interests of the whole country, silver should be restored to its place as standard money, as was contemplated in the constitution.

"It is important to keep the balance of trade in favor of our country. Otherwise money becomes scarce, wages go down, and prices go up. Cattle and corn are worth less now than they were fifteen years ago, yet there is not so much corn raised now as then, and there are twenty millions more of people who consume the crop. If silver is kept out of circulation it becomes more difficult for the people to make money to pay their debts. I believe that anything that has a tendency to reduce the volume of the circulating medium is injurious to the country at large. In fact the value of property depends entirely upon the number of dollars in circulation. If money is plentiful the price of property goes up, if there is little it goes down.

"The finding of gold, first in California and then in Australia, changed prices all over the civilized world. Before I went to California, that is from 1842 to 1850, after the breaking down of many small banks, a cow was worth about seven dollars, ten years afterward it was worth twenty-five dollars. A horse that was then worth forty dollars rose in value to one hundred and twenty-five dollars. Mortgages on property were removed by the appreciation in value. The gold that was taken out of the ground in California was put into circulation, and as money became abundant property became proportionately more valuable. The same phenomena occurred during and just following the war between the states, when an abundance of greenbacks acted as a stimulus, and resulted in the marvellous development of the middle northwestern states. Since the war, however, money has been disappearing, while the population has been growing larger. The country is under a great depression at this time, so great that the situation is alarming. The farmers are getting deeper and deeper into debt, and cannot get enough for their products to pay their way."

In regard to the Chinese question which, though it may appear to be disposed of still threatens us with international complications, it might be expected that Senator Hearst should be prejudiced by the clamor of those who, in and out of season, rage against the Mongolians. While he sees certain valuable qualities in the Chinamen, and insists that, being now in this country and entitled to residence here, they shall enjoy all the privileges guaranteed to them by our government, he regards them nevertheless as unacceptable and injurious to our people. His argument is made upon high and rational grounds.

"I think," he remarks, "the Chinese do us a great harm in this, that while extremely industrious and frugal, and making and saving a great deal of money, their purchases in this country are so small that nearly all of it is shipped to China. Any taking of money out of the country without return is injurious. If I am asked whether the Chinese as laborers are of any advantage to the country I should say, 'They have been;' and if I were asked whether emigration from China to America should be prohibited I should also say, emphatically, 'Yes.' The Chinese cannot assimilate and become a homogeneous part of our people, consequently their presence causes strife. There is no ground of sympathy between white and yellow laboring men, and I regard it best for us to exclude every objectionable element from our population.

"Now, I believe that the country should be developed in proportion to the population, and that if development goes ahead of the labor supply, reaction must ensue to the extent of this deficiency. One of the great objections that I have to any further immigration of Chinamen is that children can do much of the work that they are employed to do. For instance, if there were no Chinamen in California, a great deal of the fruit that is now gathered by them might be harvested by children. That white children are not so employed now breeds idleness, and they grow up without that habit of industry which is essential to the well-being of every community. I believe the time will come in California when tens of thousands of children will be found working on fruit farms, making easily a dollar a day. I believe that in many parts of California children could work in some such way for four or five months in the year, without injury to themselves and with great benefit in every way to their families and the community; for there is ample time during the remainder of the year to attend school and be fairly instructed in the rudiments of an English education.

"I think, however, that our restriction laws have gone far enough; and when the bill now before the senate becomes a law, providing that when the next census is taken every Chinaman will be given a certificate of residence, whereby he can be identified at any time afterwards the danger of others slipping in over the borders will be removed. If all the Chinamen in California were swept out at once it would damage, if not ruin, a great many fruit-growers and others; but if they be kept within the present limits of the law restricting emigration, they will disappear one by one, and as they go out their places will be filled by the white population.

"It has been urged against the Chinese that their habits are bad, that Chinatown in San Francisco is a loathsome place. This is not untrue, but the picture is sometimes overdrawn. As a rule the Chinaman is cleanly; but in San Francisco the Chinese quarter is in the nature of a great hospital, asylum, and poorhouse, where congregate the infirm and diseased Mongolians from all parts of the Pacific coast.

"The most serious objection I have to them is that as manual laborers they hurt that class of our people with whom they come into competition. The Chinaman's civilization is radically different from ours. He is very clever in the use of his hands. He imitates readily, and in all light work he is a dangerous competitor; not that he is superior to the white man, from whom he learns quickly; not because he is more industrious or faithful to his task; but because he can work for less. The requirements of Caucasian civilization are such, in America at least, and I would not have them otherwise, that what a Chinaman lives on would not keep a laboring white man from starvation.

"If the Chinese were needed in California in early days, and this was generally thought to be the case, they are not needed now. Coming to our shores in unlimited numbers they would overwhelm us, drive our laborers to the wall, and destroy our government in time. This is the serious aspect of the question. It is not necessary to harp upon their vicious and degrading habits, let these be what they may. The issue should be made on the points which are vital and indisputable. If the full truth were made known in this respect, and exaggeration discouraged regarding the less important details of the matter, the east would be a unit with the west on this question."

If I had no other evidence than this by which to judge of Mr Hearst's qualifications as a senator of the United States, I should consider it alone an excellent criterion. He thinks deeply, without bias, and expresses himself candidly and fearlessly. He has always been a democrat, but he has never been a partisan. In the main he is a democrat because he regards the policy of that party as best adapted to promote the welfare of the country; but he does not vote with his party on every question, because it is not his idea that any political organization is perfect in all respects; and although he is loyal to his associates in whatever position, it is not consistent with his appreciation of principle to do aught for mere party's sake that does not comport with what is just and politic.

Perhaps no better illustration can be given of the senator's practical turn of mind and of his thorough familiarity with the needs of his adopted state, than the speech which he delivered in March 1890, when a bill was before the senate to grant appropriations for public improvements in San Diego.

"Mr President," he said, "I am sorry that any one objects to this bill. No doubt it appears a little strange to some to see senators standing up here and claiming anything for California, but I desire to inform the senate that my state has been sadly neglected in the past, though perhaps more on account of the neglect of our representatives in making known our wants than from any intention on the part of the general government to do us an injustice.

"Mr President, we have been a state for nearly forty years, and we have only one post-office building, and that is in San Francisco. It has to be propped up to keep it from falling. It is built on piles near the water front, and is entirely outside the centre of population, totally unfit and wholly inadequate to the wants of our present population, which is now over 300,000. I feel this is a disgrace to the government and to the city of San Francisco, where I have the honor to reside. You can pardon me for feeling thus when you reflect or call to mind that California has contributed to the national treasury from its various sources of revenue from $12,000,000 to $14,000,000 annually during our existence as a state. We have done more than all this. We have dug out of the earth by our energy and enterprise $1,200,000,000 in gold, thereby creating that much additional wealth, which went into circulation as money, increasing property values from 100 to 300 per cent; and further we enabled the government to pay its balances in gold by furnishing them $40,000,000 or $50,000,000 a year at a time when it was most needed.

"I am glad so many distinguished senators have visited my state within the last year. I have travelled with several of them all over my state. We rode together on the beautiful bay of San Diego, and were thus afforded an opportunity of seeing its magnificent harbor; also the beautiful and growing city of San Diego, with its population of 30,000. I found upon examination that the postal receipts of San Diego, within the last ten years, had grown from practically nothing to the handsome sum of $60,000 annually, the customs receipts reaching to hundreds of thousands yearly, and the population steadily increasing. We only ask the modest sum of $300,000 to purchase a site and erect a building for a post-office, custom-house, and other public uses, for a city destined to become one of the largest on the Pacific coast.

"I would also state that we intend to present our claims to the senate for public buildings at this session, and to present them for cities all over my state that are justly entitled to them. We wish to do it honestly. We do not propose to ask for $300,000 and expect only $100,000. We expect to get every dollar we ask, and we will show in every instance that we are entitled to it.

"I shall ask for a post-office building for San Francisco, to take the place of the dilapidated old rookery you have there now. I shall ask one for the beautiful city of San José, called the garden city, situated in the heart of the magnificent Santa Clara valley. I have asked you to increase the appropriation heretofore made for Los Angeles, the metropolis of southern California. I have asked that a public building be given to the city of Oakland, the Brooklyn of California. I have asked an increase in the appropriation for a public building in Sacramento, the capital of our state. I have asked that Stockton, situated in the midst of as fine an agricultural country as you will find in the world, be given a public building. I ask that these appropriations be made because of the importance of these cities, and because their contributions to the government, and their rapidly increasing business and population justly entitle them to it. We have other cities that may claim your attention hereafter."

Speaking of Mr Hearst chiefly as a senator, H. W. Blair, the distinguished member from New Hampshire, says: "I regard him as an admirable character, and one that will repay the most careful study. I think it is well that every effort be made to memorialize the great men who have been the principals in the wonderful development of the west. It seems to do men good to live by the Pacific ocean. I have known Mr Hearst only since he took his seat in the senate, but I began to observe him at once, and the more I see of him the better I like him. There are other men in the senate whom I have known for a much longer time, but for various reasons, mainly, I suppose, for lack of interest in them, I am not so well acquainted with them as I am with him. I should say there is a great deal of good nature, actual nobility in him, that which I think is what some call personal magnetism, for the want of a better name. Doubtless it is this, coupled with this extraordinary intellectual power, that causes me to both enjoy his society and admire the man. And I am not alone in entertaining this view of him; in fact, I never have known a senator who so enjoyed the universal respect and confidence of the members, his colleagues, as does Senator Hearst. He understands himself perfectly; is modest; has a remarkable fund of good sense; is independent, but always courteous and affable. Coming, as he did, without the professional or literary training which is ordinarily supposed to fit men for the national legislature, it is interesting to note that he finds himself at home and among friends at once. What he may lack in knowledge of books he supplies by his native force of intellect; in fact, he grasps the principles of great national questions as readily and as thoroughly as any legislator I ever knew. With the advantages of a more liberal education there would not be another member of the senate who, in my judgment, could surpass him in any respect in which a man is useful there, as a statesman, financier, or general public servant. His personal influence in the senate is large. If Senator Hearst wants to accomplish anything for his people, every other senator will do all he can to help him out. Maybe, you do not know it, but this is, after all, the true element of greatness in the United States senate, or in any other deliberative body. His force of character, the affectionate regard in which he is held, the confidence felt in his integrity and honesty of purpose, outweigh every other appeal; arguments, speeches, intrigue, and manipulation will often fail when such qualities as he has will win.

"Senator Hearst is retiring and makes few speeches. He does not value his ability as others value it. On the few occasions when he has spoken his remarks have been forcible and to the point, and he has never yet failed to reach the object aimed at in a discourse in the senate. No man is listened to with more consideration or closer attention. He is really one of nature's great men; he takes a continental view of everything. There is nothing small or pinched about him. If he could be prevailed upon to come more to the front it would be better for his state and the country generally; but I think he is getting to realize this himself. If his senatorial career should be prolonged, it would be for the advantage of California and the nation. His general information is wide, and no man understands better than he the principles of the government. No one compares with him in knowledge of the mineral interests of the country. It is a great advantage to the mineral region of the west to have such a representative, one so qualified as he is. He seems able to see through the solid ground to the centre of the earth, and spy out veins of gold and silver concealed therein as with a clairvoyant power. He comprehends the money questions of the day as well as any other man. There is not in the senate a closer student of the important measures being discussed in it. There is hardly a senator who comes to the vote on these subjects with such a full knowledge of everything that has been said on all sides as Senator Hearst. With his infinite good sense, wherewith to digest what he hears, he seldom goes wrong. He is unwavering and tenacious in his opinions. Nothing can shake him at all in his purpose to do what he believes to be right. He is a good party man, but not a blind one. All the senators are his personal friends and he is theirs. I am in hopes that he will talk on the silver question; he can contribute as much of real value to the debate on this question as any one who has spoken. He knows all about it, and has his own original views on the subject. His remarks would be practical, sharp, clear, and useful, He is withal, I take it, a keen man, who understands men, and is not apt to be caught napping. I notice traits of character in him that compel success and give a man position anywhere. Without knowing the details of his factorship in the development of the Pacific coast, I am sure, from what I have seen of him in the senate, that he must have been a great power, and it seems only fit and proper that his life should be carefully studied as a chief among the builders of your marvellous country. The senator, as you are aware, entertains; he does so magnificently, with royal generosity. Mrs Hearst is recognized as a leader in the society of the capital. She leads without exciting the envy of anybody. She and the senator are the sort of persons that poor people like to have rich. Senator Hearst and Senator Stanford are both men of large intellectual stature—big men like their state—and it is agreeable to note the cordial relations existing between them."

And thus speaks C. K. Davis, senator from Nebraska, who like Mr Blair is opposed to Senator Hearst in politics:

"I obtained my first insight into the character of Senator Hearst early in 1888, in the sessions of the senate select committee upon the adjustment of the debts of the Pacific railroads to the United States. The subjects involved are, as everyone knows, of the utmost complexity of fact and law; comprehending figures which reach to scores of millions of dollars; events which have been in transaction for nearly thirty years; the actions of men living and of men dead; censure and praise in the same breath of the same persons; the establishment of civilization over the middle third of our country, and the consolidation of the east, the Mississippi valley and the Pacific territory by those iron bands of railroad track which are stronger than any political contrivance. He, with characteristic reserve, had said little. I had no personal knowledge of, and never had any connection with the questions under consideration, and was, of course, in need of information. Naturally enough I addressed some inquiries to him. I found that he was completely informed. This did not surprise me, for I knew that in his personal experience was comprehended much of the history of this country west of the Rocky mountains. But I found, in addition, such soundness of judgment, such just conceptions of right and wrong, and such argumentative power of clear, yet condensed, statement, such knowledge of human nature, such consideration for its infirmities, such regard for its better traits, and such contempt for its meanness, that I was greatly attracted to him.

" Since then I have yielded to this attraction on every occasion.

"He is, in many respects, the most interesting man I have ever known. I rode with him in 1889 across the continent. Such journeys cause men to know each other. From the moment we entered the valley of the Platte he, in response to my continued urgency, opened his mine of reminiscence, for he had led in 1850 one of the detachments by which empire was founded over that route from Missouri to California. We passed the places where hope was highest; we passed the place where hope was darkened by sickness and disaster; we passed near the place where the long journey ended. I heard from him, hour after hour, the story of that time, better and more truly told than I had ever read it in carefully written books. It was as De Foe would have told it had he been truthfully recounting the facts as his own experience. Nothing was colored, nothing shaded. There was no envy, malice, or uncharitableness. There was occasionally tempered blame both of himself and others, and frequent praise of others, but none of himself. There was abundant humor of the trail, the camp-fire and the mine, rendered in those concentrated phrases into which the wit and humor of few are often coined for the use of all.

"I was struck with his absolute fairness. Affection and dislikes do not disturb his judgment. He speaks the truth. What he knows is to him a certainty, and he states it without reservation. This was very noticeable in his narration of movements. But when the matter was not of his own knowledge, his saying like that of Herodotus was, 'they tell me.'"

In his explorations, which have minutely penetrated our Pacific territory, he has been a close observer of nature. The stream, the forest, and the mountain have yielded to him their secrets. He is typical of a vanishing class of men, the pioneers, to whom nature is very near because they, natural and unconventional, have been obliged to interrogate her and to confide in her.

His perceptive faculties are of a very high order. He glances and sees where others gaze until they are blinded. His judgment follows quickly, and it must be one of great accuracy, for he owes to it his remarkable success in life.

These are qualities to admire. There are others which excite a higher regard. These are his charitable construction of motives and acts of others, his abstinence from disparagement of other men, his judicious generosity, his immediate defense of any friend when attacked, his intuitive detection of frauds and shams, his scorn of pharisaism, and his recognition of merit.

Education—using the word in the popular sense—has done little for him, but I have never met a man for whom this deprivation has done more. Thrown upon his own resources, he has derived from long years, of observation and experience a fund of lore which books could not have taught him. That he appreciates education and culture is amply attested by his pride in the great acquirements of his wife in these respects.

This testimony of his peers, and those nearest to him is most gratifying to the biographer who would establish in enduring form the life and experiences of this Nestor of California—of the

> "good old Chronicle,
> "That has so long walked hand in hand with time."

Thus briefly I have endeavored to present in his true light the subject of my study as a representative of the people, whose confidence he acquired and held through many years in his wide relation with them as a private citizen, and whose trust in him is confirmed by his faithful discharge of duty toward them as a public servant in an office which is next to the highest that they have within their gift.

Senator Hearst incidentally has been engaged in agriculture and stock-raising in California, and at this time owns a rancho of 45,000 acres near Monterey, devoted to dairy purposes mainly, but which he has stocked with choice horses and cattle. This he has regarded rather in the light of a diversion, but he has taken much interest in it, having been born and reared on a farm. The results of his stock-breeding, though not so wide nor conspicuous as those attained by Senator Stanford or Mr Haggin, have been very beneficial generally and very gratifying to himself, as developing an important source of wealth and prosperity, his stud containing some of the best bred horses in the world.

The senator's identification with journalism on the Pacific coast is a rather interesting and suggestive episode in his career. He is a man to whom his friends appeal for aid with the assurance of getting it. Leaders of the democratic party in whom he had confidence came to him and desired a subscription toward starting an able democratic journal in the metropolis. As singular as it may seem, for years the democrats had been almost without an exponent of their doctrines. In reply he said:

"There is no use to do that, why not buy up the old *Examiner*?"

The *Examiner*, at that time an evening paper, had been a thoroughly reliable and respectable journal, but had only a small circulation and slight influence. They fell in with this suggestion; but the senator found before long that instead of contributing to, he was to furnish all the sinews of war. Said he:

"When I had paid for it and went to look over the property it looked to me a good deal like a quartz mill, and I thought it was going to take lots of money to manage it. The 'boys' said they would attend to that; that they would turn it into a morning paper, and it would not cost more than twelve or fifteen thousand dollars to put it on a paying basis. It ran on for a year, more or less, when one day I found out that the institution was worth $65,000 less than nothing. Then I was in for it, sure enough. The paper was losing from two to three thousand dollars a month, but I could not think of dropping it after it had absorbed so much money, especially as the presidential election was coming on, and the party needed to have a paper so much.

"When my son graduated from Harvard, and the *Examiner* had cost me a quarter of a million of dollars, he told me that he wanted to try his hand at it. I tried to dissuade him, and offered any other start in my power, but I could not budge him. This he thought was the best opportunity to utilize his education. I did not realize the boy's grit. Besides, so many others ahead of him, who promised well, had failed, and I was afraid the job would get the best of him too. But he had his own ideas about it. He believed that the reason the paper did not pay was because it was not the best. 'Make it the best,' said he, 'and it will pay.' I made him out a deed of the whole property from top to bottom, and agreed to stand by him for two years. Before the *Examiner* reached a paying basis it had cost me from six to seven hundred thousand dollars. To-day I believe it is worth upwards of a million."

The senator's son, William Hearst, coming as he did fresh from college and without a day's actual experience in the craft to create a standard of journalism on the Pacific coast, among rivals who were very active and already highly successful, and tenaciously working out the task to complete success, if judged by the common standard, evinced a strength of purpose and an adaptability, which, to say the least, is exceedingly rare. The *Examiner*, from the ordinary point of view, to say the least is a wonderful newspaper, a marvel of enterprise, and most conspicuous in United States journalism.

William was born in California in 1863. His preliminary education was derived from his mother. He attended a public school in San Francisco, and, later, St Paul's school in New Hampshire. His studies were supervised throughout by his mother, who accompanied him to Cambridge, and was his companion there during the four years of his college course. From the first he was fond of study, and was also a most intelligent student, grasping ideas firmly and quickly. His memory was unusually retentive, and as he has read largely and carefully his mind became well stored with the treasures of a wide range of standard literature.

He evinced at college a special gift for mathematics, and was remarkably clear and concise in demonstration. Professor Pierce, of mathematical fame, spoke in a specially complimentary manner of the young man's ability in this study. During his last year at college he had it constantly in mind to build up the *Examiner*, though it should be a lifetime task, and to make it the great newspaper of the west, and he framed his studies somewhat with reference to that purpose. His idea was not to make of himself a great editor, but to accomplish in American journalism what the genius of Delano achieved in England by raising the London *Times* to a position far in advance of all its contemporaries.

For one so young to have already accomplished such a remarkable work, and still to labor unceasingly to improve what he has already done, does him great credit as a representative of the character and talent of the native sons of the golden state. He is still swallowed up in his work, feeling that he has only begun. He is the only child of Senator and Mrs Hearst, partaking of the strong features of both, yet possessing a most decided individuality of his own.

Thus, as briefly as possible, consistent with my purpose to look into the life work and character of this conspicuous personage, in accordance with the facts of his experience, and such other expressions of his individuality as are required to make the picture of a man faithful and just, I have discussed his acts and their consequences.

Upon him have depended many others. Through him these have found the opportunity of honest labor going to the support of families and the education of children. His conquests have been large and varied, and they have been at every point the conquests of peace and civilization. Building up always and never tearing down, his life, considered from any material or social point of view, has been nothing else than a blessing to his fellow men.

Those, and those only, who have had frequent and various opportunities to observe Senator Hearst can form any adequate idea of him. It is safe to say that nothing less than a long intimacy and personal association with him will enable the student to realize the strength and charm of his character. He is not a surface man; his qualities are not superficial. He grows with acquaintance. He does not exhaust himself in a few interviews. He has a reserve force which enables him to respond to the occasion, whatever it is; the size of this reservoir of strength you can have no estimate of until you have seen it drawn upon repeatedly and find it nevertheless always full. Like one of the mountains of California viewed from a distance through a cloudless atmosphere, he increases in size as you get nearer to him. Seeing him standing out, at first, only a bold outline, you find him revealing interesting and new features as you approach him. After you have looked into his mind and heart from every available point of view, with the aid of every light that can be obtained, you wonder if you may ever hope to comprehend him in the fullness and variety of his characteristic traits. An indication here, a representation there, never apparent before because nothing occurred to call attention to it, proves to be a "leader," which, if faithfully studied and analyzed, is found to run down and open into a true fissure vein, an intellectual and moral bonanza. Like the great mines which he himself has explored from the grass roots down to extraordinary depths, he yields pay ore as far below the surface as the student can delve into his "formation." The majority of men, as the majority of mines, in the expressive phraseology of mining, though they may show the most flattering prospect at or near the surface, "peter out" with depth. Deep mines, therefore, like deep men, are difficult to understand and appreciate; while shallow mines and shallow men are easily understood, they consist mainly of "croppings." The great man, like the great mine, holds out, yielding his riches according to the demand upon him. He himself may not be conscious of his own resources, those nearest him may be unaware of his strength, but when the emergency confronts him he is equal to it. A critic of Daniel O'Connell said he wished the great Irish orator would just exert himself once, in order to show what he could do: "O!" said he, "if he would only let out another link or two." But the truth was that O'Connell held his audiences under complete sway without taxing his powers to extremity, and it was his untaxed reserve force which constituted his marvellous control over the minds and hearts of men; had he brought it to bear upon them they could not have endured it. They would have been driven into frenzy. Those possess the genius of command who govern with ease. Back of the strength that they put forth, their latent power, which is developed to the degree required by friction, makes men respect, admire, fear, and obey them. In other words, the man of ample reserve strength is the controlling, also the creating, factor among his fellows; their vitality is expended in a single effort; his vigor expands to the requirements of the occasion, whatever they may be, and is rather stimulated than impaired for meeting still greater drafts upon it.

Senator Hearst's reserve manifests itself in various ways. One of the phases under which it appears is his not telling all he knows. There is always something more that he could say if he wished to or thought best, but which will be better if spoken later or left unsaid altogether, as his judgment dictates. He will discuss a subject apparently very fully to-day; to-morrow he will talk about it just as well, perhaps better, making it as instructive and agreeable as though he presented it for the first time. There is good soil in his mind, and any seed planted there grows. He understands men; he takes their measure, I should say, very accurately, but he is wise enough not to publish his opinions of people.

A superficial observer might suspect that those with whom he comes in contact know more about him than he does about them; and, perhaps, that he may be more influenced by them more than they by him. He may help out such a supposition by good naturedly allowing people to enjoy a fanciful sense of superior wisdom and importance, while at the same time he has them weighed and measured.

Without much wear and tear he does a vast deal of work by other heads and hands; he multiplies himself in them. The success with which he has done this for years, and his ability to pluralize himself again and again in every new enterprise or requisition upon his intellectuality amounts to nothing less than genius.

You may if you please talk at much length and with great particularity, perhaps, upon a subject which you may not think he has not given any attention to. He is a good listener. When you get through, perhaps he will, through his originality into the matter which you have laboriously presented, and in a few words, condense all that need be said about it and give it a life and spirit peculiar to his own thinking. You may talk ever so well, but if your ideas or expressions are such as men generally have and use, his will be a contribution to the discourse, because they are distinctly his own, and all the more agreeable on account of his individuality which comes out in them. Those who make social questions a study, and go pretty deeply into the good and evil, the right and the wrong, regarding the relations of people to one another in the complex conditions of our society, will find that he, though having but slight regard for mere form or outward appearance, cuts through dress and flesh into the heart of a proposition when a principle or law of manhood or womanhood is involved.

Studied for its moral effect, the force of his living has been of not less consequence than in its agency in the development of industry in which he has carried forward along with himself and enriched to a greater or less degree many who owe all that they have and have enjoyed to his enterprise and aggressive energy. He began to battle with the world equipped not with the finish of the schools but with the character which is superior to every source of artificial help. Reproducing in himself the virtues of a strong and respectable ancestry, inheriting directly the sterling traits of a wise and good mother, whose counsels have been his guide through life, he went forth brave, self-reliant, and honest.

Heaven helps those who help themselves it is true, and in this saying is comprised a world of valuable human experience ; but after all a man's great helper is himself. The heaven that helps is his own integrity and faithfulness in the employment of his talent. It matters little, especially in a country of free institutions like ours, how a man starts. Opportunities abound for those who have the faculty to perceive them and the ability to embrace them. The ideas that are born in a man, and are happily exercised by him upon those problems for which nature has given him the ability to solve, make him great. Aristocracy of birth has its advantages, aristocracy of wealth may confer power ; but the aristocracy of character is above all. This asserts itself and is progressive while every other form of aristocracy, being adventitious and uncertain, is inherently weak and sooner or later must fall.

A revolution in society is going on continuously ; human nature rearranging itself in strata, sometimes slowly through the ages but occasionally by great shocks and convulsions. Power lies concealed in individuality, and this individuality on occasions rises superior to artifice and becomes dominant by virtue of its inherent quality and irrepressible character. Cultivation is fortunately very often of secondary importance, and it would seem that an unimpared and undisturbed nature is the best when asserting itself in its own peculiar way to accomplish broad results.

Perhaps at some remote age a system of education will be devised by which the mental powers will be so naturally evoked, or led forth, that a man will grow to perfect vigor and absolute symmetry, as does the oak in the forest, in response to the kindly influences of the chemicals in the earth prepared for its nourish-ment and the genial warmth and light of the sun. While waiting however for this consummation devoutly to be wished, we have instances of growth in manhood that make it certain that to the extent of our native ability, and the vigor of our own endeavors, we may attain to almost precisely that position of usefulness and influence in society that we are capable of, regardless of the aid of school culture, or any other conventional training whatever, except in so far as it may be required and appropriated by those who, feeling its need, make themselves master of it to the extent to which they require it.

It is a trite saying, but one nevertheless which holds universally good, that where there is a will there is a way. From the barber-shop came Jeremy Taylor, the most poetical of divines; Sir Richard Arkwright, the inventor of the spinning jenny and the founder of cotton manufacture; Lord Tenterden one of the most distinguished of the lord chief justices; Turner the greatest among landscape painters. Distinguished and valuable men have come from the shoemaker's bench. From the tailor-shop, Andrew Johnson may be mentioned; a man who though at this day not fully understood and appreciated by his countrymen, possessed an extraordinary force of character and vigor of intellect united with unquestioned honesty of purpose. In his great speech in Washington when reverting to the beginning and the culmination of his political career, a voice in the crowd cried, "From a tailor up." It was characteristic of Johnson to take the intended sarcasm good naturedly and he turned it to account. "Some gentleman says I have been a tailor, that does not disconcert me, for when I was a tailor I enjoyed the reputation of being a good workman and making close fits. I was always punctual with my customers and always did good honest work."

"Had I been rich," said Lagrange, the astronomer and mathematician, "I should probably never have been a student."

The men of control in every department of life, in the United States, are in the majority men who are commonly called self-made. The question has often forced itself upon me whether these men would not have been less strong and less useful if they had not followed the course of their own individuality, and had not made their struggle in the world with the force of their nature and the elasticity of their wits unmodified and unimpaired. From the life of George Hearst, whom I place unhesitatingly among the most original, most useful and able factors that have contributed in so large a measure to the creation of empire in western North America, lessons are to be learned that are of value to young men in every station. Let those who presume too much upon the assistance and coöperation of others realize that actual merit, painstaking labor, patience, and determination are adequate for any accomplishment; and realizing this be mindful also of the fact that there is no other dependency that it is safe to rely upon.

Let on the other hand the thousands of poor and struggling young men throughout our own country, and the world, look to him for encouragement and comfort; for although it is unlikely that many of them will ever be able to accomplish a work similar to his in volume or character, yet they may all feel stronger and consequently do better by considering his experience, and holding up to their minds the things reasonably possible to them if they emulate his example, and enter fully into the spirit of his purpose, which has brought him from a small farm in pioneer Missouri to the foremost place in mining in the United States, and incidentally in recognition of his merit and character made him a representative of his adopted state in the upper house of our national legislature.

CHAPTER IV.

LIFE OF LORENZO SAWYER.

THE CALIFORNIA JUDICIARY—ANCESTRY AND PARENTAGE—A GOLDEN WEDDING—EARLY CAREER—STUDY OF THE LAW—OVERLAND JOURNEY—HISTORIC LAW-BOOKS—AT NEVADA CITY—IN SAN FRANCISCO DISTRICT COURT JUDGE—CHIEF JUSTICE—CIRCUIT COURT JUDGE—PROFESSIONAL VIEWS AND DECISIONS—GRAND LODGE ORATION—THE STANFORD UNIVERSITY—THE CENTRAL PACIFIC—CAREER AND CHARACTER.

THE real strength of a nation, it has been well remarked, consists less in the efficiency of her armies, or in the honesty and ability of her law-givers, than in the character of her judiciary. Certain it is that the advantages of a republican government and of liberal institutions are but imperfectly enjoyed when there does not also exist a wholesome respect not only for the majesty of the law, but for the ministers of the law. In all the economy of civilization there is perhaps no more potent agency than a pure, impartial, and intelligent administration of justice. Nowhere does the page of human history contain more instructive lessons than that whereon have been written and expounded the ethics of the law. From such material it is that national greatness is fabricated, by such influences that it is preserved.

And what shall be said as to our California judiciary, whose existence, compared with that of older communities, is but of yesterday? If in its earlier history there were men who gave cause for reproach, men whose lax and corrupt administration compelled the people to arise in their majesty, and execute with their own hands the justice which its ministers denied, all this has long since passed away. In their place are men whose integrity has never been doubted, whose ability has never been questioned, and on whose decisions the public are content to rely. If we have not as yet among us such judicial luminaries as were Coke and Mansfield in England, as were Marshall and Story in the eastern states, there are not a few whose pure and able interpretation of the law, whose comprehensive grasp of its principles, have gained for them a national, if not a world-wide, reputation. Such a man is Lorenzo Sawyer, formerly chief justice of California, and for many years United States circuit judge.

From the shire of Lincoln, England, where for years was the ancestral home of the Sawyers, Thomas and his two brothers were the first of the name to migrate to the western world. About sixteen years after the *Mayflower* cast anchor in Plymouth harbor, their names were enrolled among the first colonists of Rowley, Massachusetts, whence, in 1647, Thomas removed to Lancaster, in the western portion of the colony. Here he was one of a party of five by whom the settlement was founded, and with John Prescott and Ralph Houghton, also among its pioneers, was appointed a few years later one of the "prudential men" to whom all local authority was intrusted. Himself a man of note, John Prescott was the ancestor of some of the most noted men in New England annals, among them being Colonel Prescott, who commanded at Bunker hill, and William Prescott, and William H. Prescott the historian of Mexico and Peru. He was also the ancestor of the present United States senators, Philetus Sawyer, F. Hoar, and William M. Evarts; and of the former United States senator and attorney-general, E. Rockwood Hoar. No less distinguished were the descendants of his son-in-law, Thomas Sawyer, many of whom played a leading part in the war of independence, and the war of 1812, no less than nineteen of the Lancastrian Sawyers serving in the former, and it need not be said in the ranks of the patriots.

In 1636, when Thomas Sawyer first set foot on the shores of Massachusetts, Charles I. was still on the throne, Cromwell had but just entered upon his career, and England was on the eve of the great international conflict which ended with Naseby and the tragedy of Whitehall. Since that date six generations of the Sawyer family have been gathered to their rest, and though much of their history has been lost, that which remains will prove an invaluable legacy to their descendants, not only as a record of ancestral virtues, but as an incentive to generations yet to be.

Of the eleven children of Thomas Sawyer, whose decease occurred at Lancaster, at the age of eighty-eight, his eldest son, also named Thomas, was carried captive by the Indians to Canada, and there with his son Elias, who shared his captivity, built the first sawmill as the price of his liberation by the governor. Of the two sons of Elias Sawyer, the younger, named Elisha, was born at Lancaster in 1720, and fifty years later ended his days at Sterling, Massachusetts, where certain lands and tenements, then for the first time occupied by the family, had been left to him as a heritage from his grandfather. Among his twelve children was one named Thomas, the child of his second wife, and a native of Sterling, whence about 1789 he removed to Plymouth, Vermont. At Sterling were born to him four sons and two daughters, and at Plymouth four sons and one daughter, among the latter being Jesse, the father of Lorenzo Sawyer. Numerous, though widely dispersed are his descendants of the second and third generations, and still more numerous and widely scattered are other branches of the family. Not a few of its members are numbered among the most prominent citizens of Boston, where in 1851 a society was formed with Frederick W. Sawyer as president, to collect such records as remained of this ancient and time-honored race.

From Plymouth, Vermont, Thomas Sawyer, the grandfather of Lorenzo, removed to what was then known as the Black river country, in northern New York, the journey occupying seventeen days, or three times the time that is now required for a trip across the continent. Here on a Saturday afternoon, in the opening year of the nineteenth century, he reached the present sight of Watertown, in Jefferson county, and selected as his homestead a piece of forest land. On the Sabbath he built for himself a cabin, in which, or in the more commodious structure that took its place, he and some of his descendants have ever since resided. The widow of Laurentius, his great-grandson, and her two sons was its occupant in April 1890, when Lorenzo last visited it. Near by in the now city of Watertown stands the edifice of the first presbyterian church, organized in 1801 by Thomas Sawyer and others, and of which the former was a deacon, though long before this date his house, wherever located, was always open for the assembling of the devout. His death occurred in 1825, and his wife, *née* Susanna Wilder, survived him by nearly a score of years, outliving her ninety-first birthday. She was a woman of remarkable energy and force of character, supplying the place of a physician, not only in Watertown but in several adjoining settlements. To all her neighbors she was endeared by her kindness of heart, and with her grandchildren was an especial favorite. On parting with them, as one after another went forth to make his way in the world, her advice was: "Be a friend to everyone, and you will never want a friend yourself."

Plymouth, Vermont, was, as I have said, the birthplace of Jesse Sawyer, the father of Lorenzo, and the day the 24th of May 1796. Removing with the family to Watertown when four years of age, after receiving such education as the district schools afforded, he began his career as a farmer, which calling he followed throughout his lifetime, though with many changes of location. Soon after attaining to man's estate we find him settled at Huntingtonville, near which, at the town of La Ray, named after a French count who purchased there a large estate, Lorenzo, the oldest of his six children, was born on the 23d of May 1820. In 1835 he exchanged his farm in that locality for one of six hundred acres in northern Pennsylvania, and as most of it was timber land erected there a sawmill. Thence a few years afterward he removed to Ohio, and still later to Illinois. In his vocation he was fairly successful, as could not fail to be the case with a man of his strong intelligence and force of character. Together with his wife, *née* Elizabeth Goodell, a cousin of the celebrated missionary, William Goodell, he had joined the presbyterian church, was a sincere and earnest Christian, and during the religious revivals in northern New York, beginning in 1822, extended to its promoters his sympathy and aid. But perhaps the best description that can be given of the career of Mr and Mrs Jesse Sawyer is contained in the following extracts from the address of their son, Joel Swain, at the celebration of their golden wedding at Belvidere, Illinois, on the 11th of February 1869:

"You accepted the conditions of a laborious life, encountered its difficulties, endured its hardships, and sustained its burdens with the most exemplary courage and fortitude, never yielding to the allurements of ease or the gratification of selfish enjoyments. You wrestled with stern nature, and sometimes with adverse fortune, in the forests of New England, New York, Pennsylvania, and Ohio, and the prairies of Illinois and Minnesota bloom with greater loveliness through your care.

"You have not filled large spaces in the public eye, but your quiet, unobtrusive virtues have shed a brilliant lustre on your private life. You have not sought the applause or honors of the world, but you have enjoyed the affection and confidence of your neighbors and endeared yourselves to all those needing your care, sympathy or consolation. You have not labored mainly for the meat that perisheth, but have sought first the kingdom of God and his righteousness, with a sublime confidence that all other things shall be added, which are really needful. You have not sought eagerly nor secured largely what the world is pleased to term success, but who shall say what constitutes success in the vocabulary of angels? Whether you would to-day exchange the success attained by yourselves for all the glittering store of the world's idols, I need not ask.

"To the principles of morality, virtue, and gospel truth early instilled into their minds, enforced by your example, do your children owe whatever of good may appear in their characters, whatever of success they may attain in life, whatever of public or private consideration and esteem they may inspire, and as a fitting return for your care, your integrity, and the other Christian graces illustrated by your daily lives, you now realize the assurance of the sacred proverbalist, that your children shall arise, as we do this day, and pronounce you blessed."

Not long afterward Jesse Sawyer passed away, followed later by his wife who, at the age of ninety-two, was peacefully gathered to her rest, in the home where, sixteen years before, her golden wedding had been celebrated.

To the training received from such parents, no less than to his own efforts, to the training, rather, which made him capable of such efforts, and gave them direction, Lorenzo Sawyer owes the exalted position which he has since attained.

Reared as he was in a home where was the very dwelling-place of honor and simplicity, where as his brother remarked the principles of morality, virtue, and truth were early instilled, and enforced by example, it were hardly to be expected that his life should be other than it is, one of singular purity and usefulness, presenting a career on which no breath of reproach has ever rested.

Like other farmers' sons, Lorenzo began early the serious business of life. At an age when most boys are midway in their education, he had learned to do everything that is to be done in the working of a farm. He could plow and sow; he could look after cattle; he could cut logs and raft them; he could mow hay and reap grain, and to this day he bears on his wrist the scar of a wound received while whetting a scythe. Rising before day in the freezing cold he tended the livestock, and worked in the barn until the hour of breakfast and school, returning toward nightfall to complete his task. At ten he could drive an ox-team to the river bank, discharging into the stream a wagon-load of logs, and this he did a hundred times amid the pine forests of this Black river country, then on the verge of the wilderness primeval. In truth it was a hard life he led on this northern frontier, with its harsh and forbidding climate, where four months of uninterrupted sleighing were no uncommon occurrence But thus was added to the strong constitution inherited from his parents the *robur et aes triplex* which only hard toil and exposure can give; thus were his sinews toughened, his brawn and muscles developed; to this experience it is due that now at the age of three-score and ten Mr Sawyer's powers of mind and body show but slight traces of decay.

From hauling timber Lorenzo turned his attention to selling it, and for this he had a good opportunity when the family removed to their Pennsylvania farm, on which were several hundred acres of choicest timber. At eighteen we find him steering down the Susquehanna river a raft of lumber cut at his father's sawmill, and this he disposed of below the town of

Harrisburg, a distance of more than 200 miles. During the voyage he read for the first time Campbell's *Gertrude of Wyoming*, and we may be sure that he followed with the keenest relish the story of this beautiful epic, for he was now at the romantic era of life, and to him the history of Wyoming and the Wyoming massacre was ever of absorbing interest.

Let us picture to ourselves the future jurist afloat on his lumber raft on the waters of the Susquehannah. He is attired in his work-day clothes, his right hand on the long oar which serves as rudder, and in the left his book, at which now and then, if the course is clear, he casts a hurried glance. In the centre of the raft is the cooking galley, where his dinner of pork and beans is boiling, and adjoining it is the tiny cabin, where far into the night he pores over his favorite volume. Thus the hours glide past, smoothly as the current of the noble river that bears on its bosom his unwieldy craft. But presently he approaches a critical point. It is the Shemokim dam through the chute of which the stream rushes like a mill-race. At the lower end a rock had been deposited by the floods, the terror of raftsmen, who by a sudden jerk of the oar were often thrown headlong into the seething waters. No more meditation now; but making fast to the river bank, he steps on the wall of the chute and quietly watches his turn. It is not a reassuring sight, for of the score of rafts that are borne through this Charybdis all but one suffer partial shipwreck. But now his time has come. Profiting by what he had seen, without the quiver of a muscle he grasps the oar and pushes out into the stream. The current is furious, with a hell of water on either side of him, and when about midway in the passage his raft just grazes the dreaded rock and for an instant his heart rises into his throat. But it is only a scratch. Another moment and he is out of danger and in due time, his cargo disposed of, he is on his way home with a goodly sum for safety sewed into his shirt, wherewith to replenish the family exchequer.

Except for such rudiments of education as could be acquired at the district schools, and for a year or two of study at the Black river and other institutes, Mr Sawyer was entirely self-taught. From early boyhood his evenings and most of the few play hours that fell to his share were devoted mainly to books, pitch pine and tallow candles, furnished him light. There was no gas in those days. At Rutland, some three miles from his home was a public library of well selected works, of which he was not slow to avail himself, riding into town to exchange his books as soon as he had mastered their contents. Mathematics and the physical sciences were his favorite subjects, and like others who have attained to eminence in his profession, he was a natural mathematician. The knowledge which he acquired at school, or from private study, he made more thoroughly his own by teaching, the best of all means of gaining a thorough mastery of a subject, and of discovering one's own deficiencies. Among other places where his services were in demand was the town of Southport, in New York state, where the population was one of more than average intelligence, including several retired merchants from New York city, whose children were placed under his charge.

But it was not as a teacher that Mr Sawyer was destined to make his mark in life. Teaching, as he had not failed to observe, is but a poor calling, except as a stepping-stone to something better. Had he remained therein the state of New York would have had the advantage of an excellent teacher, but the state of California would have lost an excellent judge. It was, however, partly by accident that he was led to adopt the profession of the law. A murder trial was in progress at Watertown, when entering the courtroom he listened with the deepest interest. On the bench was a judge of the old-fashioned type, grave, dignified, and formal, but with a thorough knowledge of the law. For the prosecution and defence were two of the ablest lawyers of the day; and as he listened to the speeches on either side, the examination and cross-examination of witnesses, with all the legal sparring incidental to the case, his mind was captivated and he decided to become a lawyer. That he should ever be a judge he did not then imagine, for Mr Sawyer was ever a modest man, and as unassuming as modest; but such are the men whom office and position seek, when called upon to seek at all, which is not often. Meanwhile he kept his intention secret, for by the pious New England people, among whom he was reared, a lawyer was regarded as cousin-german to the father of lies.

At the age of twenty Mr Sawyer made his first appearance in public at the mineral springs at Rome, in Pennsylvania, a summer resort, near which the family then resided, and formerly a portion of his father's estate. It was before one of the Tippecanoe and Tyler clubs, of which during that memorable campaign numbers were formed throughout the land. With much reluctance he consented to make a speech, taking the side of the whigs, to which party at the time he belonged. It was a trying moment when the young man confronted a large audience, his speech prepared, except as to the language, from a careful study of the best orations delivered during the campaign. When he began to speak a feeling of dizziness came over him; but he was kindly received, and soon his embarrassment wore away. As he proceeded he carried with him the sympathies of his hearers, for he possessed in no small degree the power of personal magnetism. When about two-thirds through the speech he had laid out, he made a remark which aroused their enthusiasm, and was followed by a burst of applause long continued. At this point he took his seat, although he had much more to say, thus showing that he possessed one of the most able of oratorical gifts, the knowledge when to stop.

But Mr Sawyer had long since discovered that Pennsylvania was not the place for men who possessed no other capital than that which nature had bestowed on them. He would go west, to what exact point he had not determined, but as far as his money would carry him. His parents offered no strong objection, for they had the utmost confidence in their favorite son, though his father promised him a farm if he would remain. So on a summer morning, in 1840, a day or two after his maiden speech, we find him on the stage for Williamsport, whence, by way of the Susquehanna and Juniatta canals, he passed on to Pittsburg, and by the Beaver canal and river to Cleveland and Atwater, the latter in Portage county, Ohio. At Atwater, in the autumn and winter, he taught the district school, meantime assisting one, Deacon Horton, formerly a neighbor and fellow church-member, with his father, in the building of his house. "Lorenzo," said the deacon, thirty or forty years hence, when you get to be a distinguished man, if you should happen to come along back into this region you can point to this house and say you helped to build it." Nearly forty years afterward Mr Sawyer, then United States circuit judge, returned, to find his friend, at the age of ninety-five, still living in the neighborhood. Though he could not remember incidents which had occurred but yesterday, he had not forgotten Lorenzo, or the part he played in the building of the house.

After teaching and studying alternately, as his means permitted, he removed to Columbus, Ohio, near which his cousin, the Reverend Leicester A. Sawyer had just established Central college of Ohio, of which he was president. Here he taught the freshman class in Latin and mathematics, and of his pupils there were not a few who, in after life, attained to eminence. Among them were his younger brother, who became one of the most prominent men in southern Minnesota; also George L. Converse, one of the most eloquent of democratic speakers and a distinguished member of Congress; John C. Lee, twice lieutenant-governor of Ohio and a colonel in the civil war; Doctor Lathrop, formerly rector of the church of the advent in San Francisco; and Doctor Washburn, rector of the leading episcopal church in Cleveland, who lost his life in the railroad disaster at Ashtabula, also Thomas Carney afterward governor of Kansas. Meanwhile he continued his studies, using to the best advantage every spare moment.

His college education completed, Mr Sawyer entered the office of Gustavus Swan, the leading real estate lawyer of Ohio, who presently withdrew from practice to accept the presidency of the state bank of Ohio, then under the management of a board of control located at Columbus. To this board he was appointed assistant secretary, and while studying law held that position for more than a year, counting money by the million, attending to the correspondence, and examining and reporting on abstracts of title to the land in which the safety fund was invested. Thus it was that he gained his first insight into the business of real estate, listening at times to the advice of the president, while he arranged and signed the bills of the state bank and its fifty branches. He completed his law studies in the office of the late Justice Swayne of the United States supreme court.

In the spring of 1846 Mr Sawyer was admitted to practice in the supreme court of Ohio, soon afterward removing to Chicago, and thence to Janesville, Wisconsin, whence he went to Jefferson on the invitation of Lieutenant-Governor Homes, and became his partner upon equal terms. Here it was that he won his first important case. It was the leading case of the term, the point at issue being an injunction against a dam, across Rock river, and Mr Sawyer appearing as junior council for the defence, with Governor Holmes and the late Chief Justice Noggle for his principals. The injunction was granted, whereupon the latter set forth from town, their business, as they thought, completed. On the following Saturday, when, as it chanced, Mr Sawyer and the judge were hunting together, the young lawyer remarked, "I think, judge, there is something wrong in that decision. The injunction is a little severe, and I don't think our side of the matter was presented in its proper light." "Well," was the answer, "If you think so, why don't you move to modify it?" "Because I am only a subordinate, and it is not my place to take action without consulting my principals." "If you think you can do better," suggested the judge, "I should not hesitate to move and try." On this hint, and without the least presage of what the result would be, Mr Sawyer gave notice to the plaintiff's attorneys that he would move for a modification of the injunction. Much to their surprise, and not a little to their disgust, first that the motion should be made at all, and second that it should be made by a junior in the absence of his principals, the case was decided in favor of Mr Sawyer's client and the injunction so modified as to be harmless. Such a victory, won single-handed against two of the most prominent lawyers in the western states, gained for him no small repute. And now he began to be spoken of as one of the rising men, not only in professional but in political circles, as a man whom the people wanted, in a word as the right man in the right place.

Doubtless Mr Sawyer was the right man, but he was not as yet in the right place; for with his ability and industry, his excellent habits and his rare capacity for work, success was assured wheresoever he cast in his lot. Though even if he remained at Jefferson the future was full of promise, there were better openings than could be found in what were then the frontier settlements of the west. From the further west, about this time tidings of the gold discovery were being noised throughout the world, and he resolved to go to California, led to this decision partly by reading the newspapers, but more by the sight of a bagfull of nuggets which a successful miner displayed to the wonder-stricken citizens of Jefferson.

Early in the spring of 1850 he set forth across the plains, accompanied by a party of young men from Wisconsin, making the trip from St Joseph to Hangtown in seventy-two days, the shortest time, so far as known, in which the journey had been accomplished by a wagon train. Of that journey no record need here be given, though many of its incidents were published in a series of articles contributed by Mr Sawyer to the Ohio *Observer*, and copied in several western journals, as furnishing most valuable data to those who might follow. Many times since then he has crossed the mountains recognizing many of the places passed when first on his way to the land of gold. He has lived to cross the Rocky mountain range at *five different points by rail*, and at two by teams.

It was about the middle of July when his party, after nearly three months of travel, enjoyed their first brief rest at Hangtown, in the county whose name has since been aptly applied to the golden state. At this time Mr Sawyer's worldly effects consisted of a small stock of clothing, a smaller stock of money, a copy of Shakespeare presented to him by Professor Bosworth of the Black river institute, and eleven volumes of law books, the latter hermetically sealed in a tin case purchased for the purpose. To pack these books across the mountains had already cost him the sum of fifty dollars and, as we shall see, this little library was destined to play an important part in his career and become historic.

After a brief experience in mining, mainly at Coloma, where gold was first discovered, he concluded that his profession would be to him a richer mine than any he was likely to discover. Sacramento was then the .paradise of the profession, where many a costly land and mining suit was decided at every term of court. Here he arrived in no very cheerful mood, sleeping in barns by the wayside, with his clothes worn out, and himself in the same condition from exposure, hardship, and excessive toil. Still he faltered not; nor was he discouraged, accepting as the first work that was offered the copying of the assignment of the then great banker and bankrupt, Barton Lee, for which he received an ounce of gold-dust. But for a man of Mr Sawyer's ability, there was no occasion to hide his head under a bushel, and soon we find him in partnership with the city recorder and police judge, Frank Washington; then sickness came upon him, a sickness contracted during his overland journey, and for several weeks he was unable to work. At this juncture began the squatter riots, and of these he was one of the spectators, dragging himself from his berth under the common council room to witness the scenes that followed. He saw the dead and wounded as they fell and before removed from the street, among whom was Mayor Bigelow, who afterwards died from his wounds.

In October of 1850, Mr Sawyer, in order to recover his health, removed to Nevada city, where he practised his profession until the autumn of 1853, except for a few months spent in practice at the capital and the metropolis, where he formed a partnership with Judge Roderick N. Morrison and his nephew, Frank M. Pixley. Not least among the causes that led to his success in Nevada was his law library. True it consisted only of eleven volumes; but at that time good law books were scarce, more so even than good lawyers. His works included *Blackstone*, *Chitty on Contracts*, *Smith's Mercantile Law*, *Story's Equity Juris-*

prudence, *Wilcox' Practice*, *Swan's Justice*, a book of Ohio practice, and *Greenleaf's Evidence*.

The history of these books is worth relating, for few persons or things passed through more perils from desert, fire, and flood, than did these eleven volumes. First of all, they narrowly escaped being left at the sink of the Humboldt river, where some of the wagons were deserted, and the labor and cost of carrying them further were great. They were once thrown out, but a friend who left his wagon consented to pack them in, and thus they were saved. In May 1851 their owner and his partners were settled in a second floor office on Commercial street, in San Francisco, which also served as bedroom. At that date fires were frequent, so frequent that they thought little of them. After several alarms that proved of no consequence, Mr Pixley vowed that in case of another alarm he would not stir from his room until the walls were hot. He had not long to wait. About midnight on the fourth of May he was roused from sleep by Sawyer, who quietly remarked: "Frank, you had better get up; the walls are getting hot." There was barely time to pack their loose effects in blankets and to reach the street, when the fire was upon them, and they were obliged to pay $50 for the use of a dray to convey their property to the custom-house building on California and Montgomery streets, then the southern limit of the city, and, as they thought, a place of safety. But the fire, leaping from building to building, travelled almost as fast as the dray and finally swept away everything down to the bay. There was now no alternative but for each one to seize what he could carry and escape from the track of the conflagration. Shouldering the trunk which contained his clothing and papers, Sawyer carried it beyond reach of the flames, and gave up his books as lost to him forever. But two days after it was reported that some property of his was on board a vessel lying in the stream. And so it proved. Seeing the blankets and their contents, close to what was then the water-front, somebody had rescued them and put them on board the ship then lying at the wharf. She cut loose and swung into the stream, and there they lay uninjured. Much other property was found on the same ship.

Again, a few weeks later, on the 22d of June, the fire-bell tolled a general alarm, and as Sawyer was breakfasting with Pixley, at the Jackson street restaurant, the flames came roaring down upon them, once more sweeping the city out of existence, except a few buildings on the west side of the plaza. Discouraged by these calamities, a month later found Mr Sawyer en route for Nevada city, journeying by way of Marysville. At a hotel at the latter place he left his trunk, containing his clothing and books, for as yet he had not decided where to locate and took stage for Nevada city. Next day after his arrival came news that the city of Marysville was burnt to the ground, including the hotel, which stood in its centre. Supposing, of course, his trunk was destroyed, Sawyer dismissed the matter from his mind, and settled himself to work. But the books were not made to be burned; they were not so predestined; for books, like men, have a destiny to fulfill. In the following week a teamster drove up with goods for Clark's drugstore, in which was Sawyer's office. The teamster's name, as now remembered, was Oglesby, afterward governor of Illinois. Introduced to Mr Sawyer he inquired his Christian name. "Lorenzo," was the answer. "Well," said the teamster, "I saw a trunk with the name of Lorenzo Sawyer on the card about a mile from Marysville, stored in a large house with other property saved from the fire." The trunk came safe to Nevada on the next trip of the teamster. Some six years later Mr Sawyer went east, as he thought to remain, and after some further adventures, the books—except Shakespeare and Blackstone—were transferred to the law firm of Buckner and Hill, with the rest of his then quite respectable law library. By them they were afterward disposed of to A. A. Sargent, and by him to the county of Nevada, where, after escaping a fire or two in Nevada, in the public library they found at length a resting-place. Here, after the lapse of a quarter of a century, Mr Sawyer again caught sight of his immortal volumes, whose history is not unlike that of the typical California adventurer. Shakespeare and Blackstone afterwards went east around Cape Horn and came back to California as slow freight by the Isthmus, upon sailing vessels. They are now in Judge Sawyer's library. Blackstone is the copy in which Judge Sawyer read his first law. It was the gift of the president of Central college.

Many were the interesting cases which Sawyer tried at Nevada city, after a careful preparation at his office, connected with the drugstore, consisting at first of a few square feet near the sidewalk, if sidewalk there was, and for furniture a single chair, a paper clip, and a table, fashioned by his own hands of shakes or barrel staves, and serving at times as dining-room table for the al fresco meals of which he was himself the cook. For his first case he was indebted to the doctor and druggist, who besides being his messmate acted as dish-washer for the household. It came about in this wise: One day the druggist invited to dinner three miners with whom he was acquainted. After being introduced to Sawyer one of them remarked: "I understand you are from Ohio?"

"Yes, I am from Ohio."

"You have not been here long?"

"No, I have only just come."

"Have you ever tried any of these mining suits?"

"No, but I would like to get a chance to try one."

"I suppose you know the principles they depend upon?"

"I believe that I understand them. We have to go to the jury for both law and facts, I believe."

"Well, we are from Ohio, and have a suit. If you think you can manage the case I will give it to you. We have got into a little difficulty over here on Gold flat. We had taken up a claim and were working it, but a company from Tennessee has jumped it and we want to recover."

The man then stated his case in detail, whereupon Sawyer replied that if his statements were proved he thought the suit could be won. As this was Sawyer's first mining case, a fee of fifty dollars was agreed upon and paid down—a small amount for a mining suit in the days of fifty-one; but Sawyer had not yet learned how to charge,—about the only part of his profession in fact that he has never thoroughly learned. On the same day the complaint was drawn, and within forty-eight hours suit was commenced and summons served on the defendants. The opposing counsel, one of whom was Judge William T. Barber, were able and experienced lawyers, rating Sawyer, who stood alone, as little better than a novice. But they did not know their man. At every step the case was stubbornly contested, from the pleadings to the closing argument on either side. For the plaintiff the witnesses were for the most part from Ohio, for the defendant they were southerners, and so conflicting was their testimony, that perjury was clearly committed on one side or the other. After a three days' trial the jury retired to consider their verdict; and believing that they could not agree, and would probably be locked up for the night, Sawyer went home to dinner. While at table a shout was heard, and presently a number of men ran up to the store. "Where is Sawyer?" cried the leader. "We have won our suit. Where are your scales?" And without further phrase he weighed out, with a heavy down thug, another fifty dollars' worth of gold-dust.

But the most important case, and the one which helped more than any other to establish his reputation, and the one more than any other ever tried by him that affected his future destiny, was the Rough and Ready mining suit, tried in the town of that name before E. W. Roberts, afterward county judge and state senator, and involving the possession of a claim on Yuba river valued at several hundred thousand dollars. Sawyer appeared for the plaintiffs, and for the defendants Judge Townsend was the leading counsel. As the parties to the suit were numerous and wealthy, it was said to have been agreed that all the hotel bills, including wines and cigars, for clients and witnesses, jury and lawyers, should be included in the costs, to be paid of course by those who should lose the suit. At the close of the trial it was found that the legal costs amounted to nearly $2,000, with hotel bills of more than double that amount. The whole surrounding country took an interest on one side or another.

During the progress of the case the two hotels of Rough and Ready were crowded with guests, and among them were several ladies, all of whom took sides with the contestants, who, it was said, had their spies in the opposing camp. At the first trial the jury disagreed, and at the second, after a ten days' struggle, the jury retired at one o'clock on a Sabbath morning to consider their verdict. Sawyer made the closing argument. A few minutes later they returned into court, or rather into the warehouse where the cause was heard, with a verdict for the plaintiffs. The scene which followed was such as had probably never been witnessed in Rough and Ready. Amid deafening cheers and tossing of hats, Mr Sawyer, before he could escape from the uproar, was forced into a chair and borne in triumph on the shoulders of his excited clients to his hotel, surrounded by a surging throng shouting "Hurrah for Sawyer!" In the same way, but with less enthusiasm, they treated Justice Roberts; and then came the serious business of the evening, or rather of the morning; but this we will leave to the reader's imagination, remarking only that Rough and Ready was then one of the richest mining camps in the state, and that saloons and dance-houses were plentiful. In the orgies which followed it need not be said that neither judge nor counsel participated.

Many were the amusing incidents of these early days, and many the pleasant hour that is still passed in recalling them. But not always were they amusing. For days at a time Mr Sawyer has been in peril of his life, his footsteps dogged by men who had vowed to take his life. On one occasion, while addressing a jury, at night a man who nursed a fancied wrong was about to strike him on the head from behind with a long block of wood, which had the blow fallen would probably have ended his career, but the raised hand was seized by the sheriff and another friend. At another time his partner, E. F. W. Ellis, was commenting sharply on the evidence of a witness from Tennessee, and from whom he was separated only by the table in front of which he stood. The man drew his revolver, but quick as a flash the other leaped with drawn knife over the table, and almost as quickly his would-be assassin was in the street. Here it may be mentioned that by Mr Ellis was framed the first sole traders' act, and that mainly by his efforts its passage was secured. At the outbreak of the civil war he enlisted as a volunteer, was promoted to the colonelcy of the 15th Illinois regiment, and at Shiloh devoted to the cause of his country the life which the southerner had imperiled.

In the autumn of 1853 Mr Sawyer again removed to San Francisco, and there, except for an occasional visit to the eastern states, and a short sojourn to Illinois, he has ever since resided. A few months later, at a time when litigation was constant, and when the city was involved in many suits, he was elected city attorney. Of this portion of his career it need only be said that during his term no judgment was rendered against the city, while of those which were given in its favor only one was reversed on appeal. So ably did he conduct his cases, that in the following year when a candidate before the convention for nomination as supreme court judge, he was defeated only by half a dozen votes. But, as we know, influence, rather than character and ability sometimes carries the day in such matters.

In the spring of 1861 we find Mr Sawyer in Washington, where he first made the acquaintance of Leland Stanford. At the moment it was not the intention of the former to return to California, for he had been widely recommended for the chief-justiceship of Colorado, then recently organized as a territory and with good prospect of success. But said his friends from the golden state, of whom there were many in the capital, "Why go to Colorado? Go back where you are known. The highest position on the Nevada bench is open to you." He abandoned his candidacy for the chief justiceship of Colorado and sought the appointment for Nevada in preference. But fortunately perhaps for himself, and certainly for California, another was appointed to the office. A fortnight later he with his family was on his way to New York en route for San Francisco.

The week which Mr Sawyer passed in the great metropolis, while awaiting the departure of the steamer, was probably the most stirring experience of his life. On the first day of that week the roar of cannon at Fort Sumter had proclaimed to the world the opening of the civil war, and all was turmoil and confusion. Business was not to be thought of; in its place was the tramp of armed men and the crash of military bands. Every day, and sometimes thrice a day, ships laden with troops for the defence of Washington cast loose from the crowded piers. It was a spectacle such as few have witnessed, such as few would care to witness; one sadder even than was seen in Brussels on the eve of Quatre Bras.

Soon after returning from the east Mr Sawyer entered into partnership with General Charles H. S. Williams, one of California's ablest lawyers. At that date the Comstock lode was beginning to reveal its marvellous wealth, and endless were the lawsuits arising from conflicting claims. About the close of 1861, the firm decided to open a branch office at Virginia city and of this Mr Sawyer was placed in charge. On New Year's day of 1862 we find him in the streets of Sacramento, or rather in the water which covered its streets, for it was a year of flood, and the city lay in the midst of a vast inland lake. Rowing in an open boat to the highlands, he journeyed by train to Folsom, and thence by stage to his destination, where he was at once acknowledged as the leader of the bar.

On May 27th of this year, while trying an important case, he received by telegram from Governor Stanford an offer of the judgeship of the twelfth district court, made vacant by the resignation of Alexander Campbell. For a time Mr Sawyer hesitated. He had been retained in most of the great mining cases pending at the time, for which apart from large contingent interests, his fees would have amounted to more than the total sum he has since received for thirty years' service on the bench. But while not underestimating the value of money, there were other things which he valued more, and among them the happiness of his wife and family, for whom there could be no attraction in Virginia city. After exchanging messages with Mrs Sawyer, therefore, he decided to accept, on the same night the trial was finished, and on the following day he was en route for San Francisco, crossing the snow-covered mountains on horseback to the point where a road was open for vehicles. Reaching Sacramento only a few minutes before the steamer sailed, he ran to the governor's office and thence, his commission in hand, to the wharf. The boat had put off, and from it he was separated by several feet, but clearing the space with a bound he landed safely on deck and soon after nightfall reached his home on Saturday night. On Monday morning he opened court at San Mateo.

For the twelfth judicial district, including the counties of San Francisco and San Mateo, Sawyer was soon afterwards chosen for the full term, and without opposition, both parties placing him in nomination. Under the provisions of the state constitution, as amended in 1863, he was elected on the republican ticket judge of the supreme court, and on casting lots drew the six years' term, for the last two of which he was chief-justice. In 1869, when the circuit courts of the United States were re-organized by act of congress, he was nominated by President Grant circuit judge for the ninth circuit, comprising all the Pacific states. The nomination was confirmed by the senate without a dissenting vote, and early in the following year Sawyer entered upon the duties of the office which he has ever since retained.

Except perhaps Justice Field, Judge Sawyer has been called upon, during his long career on the bench, to decide more questions relating to the settlement and preservation of land titles than any member of the judiciary. Of late years there have been many efforts to set aside the patents issued after years of litigation to Spanish grantees. In these cases parties whose claims were long since barred by the statute of limitation have received the permission of the attorney-general to bring suit in the name of the United States, thus renewing the litigation twenty or thirty years after the issue of the patent, for in such cases the statute of limitation does not apply to the United States. Of this class were the suits of the United States versus the San Jacinto tin company, United States versus Throckmorton, United States versus Carpentier, and many others. The judgment rendered by Sawyer in favor of the defendants was in every instance affirmed, much to the relief of land owners, for had it been otherwise, a distrust would have been created of all titles derived under Spanish grants. Next in importance were the mining debris suits, of which the more important cases, including that of Woodruff versus the North Bloomfield mining company, were decided in the circuit court. The other great cases decided by Judge Sawyer are too numerous to specially mention.

Such, in brief, is the professional career of Lorenzo Sawyer, extending over well-nigh half a century, for nearly thirty years of which he has been one of the most honored members of our judiciary. To the other members of that judiciary it is no injustice to say that by his learning and ability, by his industry and research, and above all by his perfect integrity, he has done as much as any living man to give to the tribunals of California their high repute. If he is not a man of genius or of brilliant parts—to such qualities he never laid claim, nor are they wanted in a judge—he possesses what is far better than genius, a fund of sound, practical, common sense, and the business capability which, in a measure, his position demands. By none is he excelled in the patience and application which he brings to bear on his cases, probing them to their inmost depths, dissecting them, and weighing the points at issue with the surest discrimination. Said the *American Law Review*, then published at Boston when Sawyer was chief-justice of this state: "The history of California is a history of marvellous phenomena, and not the least is its jurisprudence. Less than twenty years ago the common law was unknown on the Pacific coast, and to-day we find the supreme court of California holding it with a comprehensive grasp, and administering it with an ability decidedly superior to that shown by the tribunals of many much older communities."

Law, Judge Sawyer regards as a progressive science, whose principles must be adapted from time to time to the ever-changing condition of human affairs. Take, for instance, railroad and corporation laws. Those which existed half a century ago are not a tithe of those which now exist, and perhaps not the hundredth part of those which will exist half a century hence. Even in the older and long-settled states, as in New England, even in England herself, new questions are constantly arising; much more so is this the case in the far west, and especially in California, with her numberless statutes relating to mining and irrigation. In early days the civil law of Spain, as modified by Mexico and California, was the one in force. There were no law libraries, and even the language in which the statutes and laws were expressed was but little understood. Gradually the civil law was discarded, or consolidated with the common law, many suits begun under the former being concluded under the latter. In fact, a new system of laws has been developed, especially as to land titles, for many years a fruitful source of litigation.

As to the functions and character of the judiciary, Judge Sawyer remarked at a meeting of the associated alumni of the Pacific coast, on the 3d of June 1868, "In my judgment it is impossible for an enlightened people to prize too highly a thoroughly capable, watchful, honest, independent, and fearless judiciary. Such a judiciary is not only the safeguard and the hope of American liberty, but is the principal stay and support of freedom, and of the social fabric everywhere. The administration of justice and its handmaid, religion, although perhaps in a form in some degree rudimental, march hand in hand in the van of civilization. They also in their more perfect development constitute the crowning glory in the meridian splendor of every enlightened age. As these elements in the social economy become corrupt, gradually decline and disappear, the twilight of a waning civilization again shades away into the night of barbarism. There can be no assured enjoyment of civil liberty, no social security, no permanently advanced stage in the development of our race, no stability in the institutions of civilization, where there is no honest, effective, and fearless administration of the law; where the fountain of justice is not pure, and where its stream is not allowed to flow freely and without obstruction, and unaffected by disturbing influences. On the other hand, wherever the laws are faithfully administered by a capable, independent, and fearless judiciary; wherever strict justice is meted out to every individual, whether rich or poor, high or low; wherever the thatched cottage of the lowest born is the castle of the proprietor, which, while the winds and rain may enter, the king may not; wherever the judiciary is no respecter of persons, always holding the scales of justice even, with an 'eye single to the trepidations of the balance'—there no remnant of barbarism will be found. In the words of one who clothed his great thoughts in language second only in terseness and felicity of expression to that of him who spake as never man spake: 'Justice is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction—whoever clears its foundation, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself in name and fame and character with that which is and must be as durable as the frame of human society.'

"Mr President, since justice is the great interest of man on earth, it is gratifying to know that wherever and whenever the judiciary has been independent and untrammeled, except so far as it is bound by the just principles of the law itself, there have been found men fully equal to the task of its intelligent and pure administration. True, it falls to the lot of but few in any one generation to officiate in the highest sanctuaries of justice, and to fewer still to rival those judicial Titans,

'The law's whole thunder born to wield.'

"But, sir, I cannot believe it possible that one endowed with fair natural abilities, a sound and unbiased judgment, who has cultivated his talents with diligence and care, and become well grounded in the ethics of the law, who has risen to a true conception of the magnitude, and become thoroughly penetrated with the vast importance of the mission of the judiciary, in its relation to the well-being of man, and the stability of good government, can make a bad judge. Such a man may not attain to the summit of judicial greatness; he may not be a brilliant luminary, shedding his light afar, imparting aliment and warmth to nourish and promote the administration of justice in distant lands; but he cannot fail to be a worthy judge, and useful in the immediate sphere of his influence; he cannot fail to contribute in some degree to the perpetuity of free institutions."

Sawyer's reputation as a jurist has long since become national, and among other recognitions of his attainments and services it may be mentioned that in 1877 the honorary degree of doctor of laws was conferred upon him by Hamilton college in New York. His decisions, as contained in fourteen volumes of *Sawyer's United States Courts' Reports* and in fifteen volumes of the *California Reports*—volumes 24 to 38 inclusive—are among the classics of the law. From these decisions the following extracts may be of interest. In the case of Tiburcio Parrott on *habeas corpus*, arrested for employing Chinamen, in a manner prohibited in the new constitution, his ruling was as follows:

"Holding, as we do, that the constitutional and statutory provisions in question are void for reasons already stated, we deem it proper again to call public attention to the fact, however unpleasant it may be to the very great majority of the citizens of California, that, however undesirable, or even ultimately dangerous to our civilization an unlimited immigration of Chinese may be, the remedy is not with the state but with the general government. The Chinese have a perfect right, under the stipulations of the treaty, to reside in the state and enjoy all privileges, immunities, and exemptions that may be enjoyed by the citizens and subjects of any other nation; and under the fourteenth amendment to the national constitution, the right to enjoy life, liberty, and property, and the equal protection of the laws, in the same degree and to the same extent as these rights are enjoyed by our own citizens. To persist in state legislation in direct violation of treaty stipulations and of the constitution of the United States, and to endeavor to enforce such void legislation, is to waste efforts in a barren field, which, if expended in the proper direction, might be productive of valuable fruit, and, besides, it is but little short of incipient rebellion."

Among his most exhaustive decisions was the one in the matter of Deputy United States Marshall Neagle on *habeas corpus*, the charge against him being the shooting of David S. Terry. After a most careful statement of the facts and law in the case, including the circumstances under which Terry was shot, he concludes: "On that occasion a second, or two seconds, signified at least two valuable lives, and a reasonable degree of prudence would justify a shot one or two seconds too soon, rather than one or two seconds too late. Upon our minds the evidence leaves no doubt whatever that the homicide was fully justified by the circumstances. In our judgment he acted, under the trying circumstances surrounding him, in good faith, and with consummate courage, judgment, and discretion. The homicide was, in our opinion, clearly justifiable in law, and in the forum of sound, practical, common sense, commendable. This being so, and the act having been done in pursuance of a law of the United States, as we have already seen, it cannot be an offence against, and he is not amenable to the laws of the state.

"Let the petitioner be discharged.'

This is the suit of Cunningham versus Neagle, wherein the propriety of killing Terry was involved. Judge Sawyer's opinion in this case, as affirmed by the supreme court, has probably been more widely read than any that has been delivered from the bench of the United States. On this ruling he has received complimentary letters from every section of the union, from Canada, from England, Germany, and other European countries, and even from Japan. The stand which he took was a bold one, but not more so than the occasion demanded, claiming for the national government all the powers of a nation, including that of self-protection in all its departments.

In politics Judge Sawyer was in youth a whig, a disciple of Daniel Webster, Henry Clay, and other great leaders of the party whose names alone are dead, and whose principles are closely blended with all that is best worth preserving in our national policy. One of those who organized the republican party in 1856, he attended the Chicago convention, and though not a delegate, did all that lay within his power to secure the nomination of Abraham Lincoln. In his political, as in his judicial career, he has aimed always at the right, and if on rare occasions his judgment has been questioned, none have ever doubted his honesty and sincerity.

Since 1845 Judge Sawyer has been a member of the society of odd fellows, and since 1858 a royal arch mason. Of the few addresses which he has made in public, perhaps the one which has been most widely read and commended, one that was complimented in the reports of all the grand lodges of the United States, was the oration delivered in October 1879, before the grand lodge of California. After tracing in choice and vigorous language the history of masonry, from the days of Solomon to the time when, less than twenty years ago, a grand lodge of the order was opened under the shadow of the Vatican, he continues:

"Much use of the element of secrecy, by means of which brothers of the fraternity recognize each other among strangers and protect themselves from imposition, was formerly made by the enemies of the order for the purpose of inflaming the prejudices of the ignorant and the jealous, and doubtless with some effect. The publication of the proceedings of the grand lodges authorized during later years has, however, tended largely to allay these prejudices. In these published proceedings the essential workings of the order are laid open to public examination and criticism; and no one can read them as they appear from year to year without being strongly impressed with the good tendencies of the principles of masonry in all their practical, as well as speculative, workings, as is there made known to all. We are no propagandists. We extend a special invitation to no man to enter the precincts of masonry. If one seeks admission to our society, it is unsolicited and of his own free, unbiased will, after a full investigation of our principles and their practical operation; and the fact that so many intelligent men, among the most orderly and worthy classes of society, seek association with us is ample evidence that our principles meet the approbation of good men, and that their tendencies are all to good order and to the highest interests of society at large. Speculative masonry is not, and it does not profess to be, a religion or a substitute for religion; but it inculcates a system of the purest morals, which is an essential element and necessary concomitant of all true religion. There are certain elements or principles which are universally accepted as essential to all systems of faith worthy the name of religion—such as a belief in a supreme being; a recognition of the moral distinction between right and wrong; the obligation to recognize and cultivate the practice of all the virtues, such as temperance, sobriety, chastity, fortitude, prudence, justice, and, chief of all, charity. On these principles all must and do agree. There are other points of faith upon which the reason may and does pause, inquire, doubt; and yet it is upon these latter that zealots and enthusiasts dogmatize most confidently, dispute most furiously, and hate most implacably. It is upon these very points where we should be most distrustful of the correctness of our judgment and most charitable toward the views of others, that man is most confident, most obstinate, most uncompromising; and it is upon these where he consigns his fellowman to the dungeon, stretches him upon the rack, and burns him at the stake. Into that disputed territory masonry does not enter. Its leading tenet, charity, forbids; all its principles prohibit it. It accepts and plants itself upon those self-evident and universally accepted principles which lie at the foundation of all true religion and all morality, and upon the recognition and practice of which all human happiness must rest. It earnestly and constantly inculcates those principles in its charges in the lodge-room, its lectures, orations, and writings, and in all its proceedings, published and unpublished. It admonishes us to seek after truth, and teaches that truth is an attribute of divinity and the foundation of every virtue. In the language of another, already familiar to you, which cannot be improved or too often repeated in your hearing, the mason 'is instructed to put a due restraint upon his affections and passions; to preserve a noble and steady purpose of mind, equally distant from cowardice and rashness; to regulate his life by the dictates of reason; and to render to every man his just due, without distinction. In short, the three great duties of life are impressed upon his conscience: 'reverence to God, the chief good; kindness to his neighbor, as prescribed by the golden rule, and respect for himself, by avoiding irregularities and intemperance, which impair the faculties and debase the dignity of his profession.'"

One of Judge Sawyer's last orations was at the laying of the corner-stone of the Leland Stanford Junior university, in virtue of his office as president of the board of trustees. After stating the object and scope of the institution, he said: "The little grove in the suburbs of Athens, which Academus presented to the Athenians, constituted the academy in which Socrates, and Plato, and their disciples taught their pupils philosophy, rhetoric, logic, poetry, oratory, mathematics, the fine arts and all the sciences so far as then developed. The influence emanating from those schools, notwithstanding their limited resources, has been largely felt through all succeeding ages; and it has, to this day, given direction to thought, and contributed largely to mold the characters and the civil institutions of all the peoples of Europe, and their descendants in America, and wheresoever else they may be found on the face of the earth. The people of that little republic of Attica,—the whole area of whose territory was only about two-thirds as large as that of the county of Santa Clara, in which our coming university is located—exercised a greater influence over the civilization, institutions, and destinies of modern nations than any other people, however great.

"The groves of Palo Alto--the tall tree—are much larger than Academus' sacred shade. These sturdy, umbrageous oaks, with Briarean arms; these stalwart, spreading laurels, and these tall eucalypti are much grander and more imposing than the arbor-tenants of the grove at Athens. The soil of Palo Alto is far richer, and more productive than that of Attica; it yields as fine wheat, as delicious figs, grapes, olives, and other fruits. Its scenery is almost as grand and awe-inspiring, and quite as picturesque. Its climate is as dry, equable, and delightful. The arroyo de San Francisquito is as flush and turbulent in winter, if—although abundantly supplied for all purposes of the university above—as waterless in its lower reaches in summer as the two rivulets Cephissus and Ilissus. The transparent clearness and coloring of our sky is as matchless as that of Attica, and the azure dome above our heads by day or night is as pure and as brilliant as the violet crown of Athens. All our conditions are equally favorable to health, to physical and mental development, and to physical and mental enjoyment. Not an hour in the year is so cold as to interfere with mental or physical labor, nor an hour so hot as to render one languid, indisposed to physical or mental exertion, or as to dull the edge of thought. There is not a place in our broad land outside our own beloved state, where one can perform so much continuous physical or mental labor without weariness or irksomeness. Should the plans of the founders of the Leland Stanford Junior university be carried out in accordance with their grand conceptions, with such advantages as the location and climate afford, why should not students be attracted to its portals, not only from California, but from all other states of our vast country, now containing 60,000,000 of people, and even from foreign lands? What should prevent this university from becoming in the great future the first in this, or any other land? When fully developed, who can estimate its influence for good upon the destinies of the human race?

"A word to the founders of the Leland Stanford Junior university. It is fit that the corner-stone of this edifice should be laid on the anniversary of the birth of him, who, while yet a mere youth, first suggested the founding of a university—a suggestion upon which you have nobly acted, and to the establishment of which you have devoted so large a portion of the accumulations of a most energetic, active, and trying life. It is eminently fit that an institution founded and endowed on that suggestion should bear his name. The ways of providence are inscrutable. Under divine guidance his special mission on earth may have been to wake and set in motion those slumbering sentiments and moral forces which have so grandly responded to the impetus given, by devoting so large a portion of your acquisitions, and the remainder of your lives to the realization of the object thus suggested. If so, his mission has been nobly performed, and it is fit that both his name and the names of those who have executed his behests should be enrolled high upon the scroll of fame, and of the benefactors of the human race. You have wisely determined, during your lives, to manage and control for yourselves the funds of the foundation ; to supervise and direct the arrangement and construction of the buildings and the required adjuncts, and to superintend and give direction to the early development and workings of the new university. This is well. He who conceives is the one to successfully execute. May you remain among us to manage and control this great work, until you shall see the institution founded by your bounty firmly established on an immovable basis, enjoying a full measure of prosperity, affording the citizens of your adopted state the educational advantages contemplated, and dispensing to all the blessings and benign influences that ought to flow from such institutions. Long may you enjoy the satisfaction afforded by hopes fully realized—*Seri in cælum redeatis.*

"Fellow-members of the board of trustees of the Leland Stanford Junior university, in accepting this grand trust you have assumed the most weighty responsibilities, not only to the founders of the university, but to the children and youth of the commonwealth and to their posterity in all time to come. You have assumed the guardianship of the vast inheritance to which they have fallen heirs. In the near future, and thenceforth till time shall be no more, the duty will devolve upon us and our successors to administer this inheritance in such manner as to accomplish its great ends.

"Should we succeed in establishing and fully developing the new university in accordance with the conception and purposes of its founders—as succeed we must with proper efforts, and proper management, and with the aid and blessing of the omnipotent and all-wise being, who created all things, and without whose approval we can accomplish nothing—its power for good will go on from age to age to the end of time increasing and expanding until no corner of this broad earth will be beyond its humanizing, elevating, and benign influences. Invoking the divine blessing on our work, let all put forth a united continued effort to secure a consummation so devoutly to be wished. When this shall have been done, and the Leland Stanford Junior university shall have been once securely established upon a firm and stable basis, we may exclaim with unhesitating confidence that the idea will be fully realized, *esto perpetua*!"

It was in 1861, as I have said, that Judge Sawyer first made the acquaintance of Senator Stanford, and in the great railroad enterprise of which the latter was one of the projectors, he rendered most valuable assistance. When ground was broken in February 1863, the project was regarded rather as a joke than as a serious undertaking. The efforts made by Governor Stanford and his associates to secure the aid of San Francisco capitalists were utterly without avail. Still they pressed on until, when the line was completed to Newcastle, their funds were exhausted. Had it stopped there, it is by no means certain that we should have had a transcontinental railroad to-day, and it is certain that its construction would have been delayed for many years. No movement had been made on the other side until it was fully demonstrated on this side that the road would be built. At this juncture, in April 1864, an act was passed whereby the state became responsible for the interest on $1,500,000 of bonds. The measure was vigorously assailed and by many pronounced unconstitutional. A bill was immediately filed by the attorney-general to restrain the issue of the bonds, and on both sides the case was ably and elaborately argued, the judges failing to reach a conclusion. Finally Judge Sawyer took up the matter, for it was one in which he felt the deepest interest, knowing, as he did, that the building of the road depended on the result. After a careful study of the statute he decided that it was constitutional and in this opinion he was sustained by the other judges, with but a single and that only a partial exception. The Central Pacific was thus enabled to carry forward its work to the point where the government subsidy became available, and that work was never interrupted until the last spike was driven.

On the day when the first pick was driven into the ground at Cape Horn, Judge Sawyer stood on its summit, looking down upon this work, and for several days he was in company with the engineers when locating the route around Donner lake, and deciding on which side of its waters the line should be extended into the valley below. From its inception until its completion he watched with the deepest interest the progress of the greatest railroad enterprise of the age, and to him it has been a source of satisfaction that he was enabled to contribute to its success.

On the 10th of May 1869, when the Central joined hands with the Union Pacific, he thus wrote to his cousin, the former president of Central college, Ohio: "The great work has been accomplished. The last rail has been laid, the last spike driven, and the iron wedding of the east and the west has this day been consummated. We are now united by iron bands, never more to be severed. Wonderful achievement! What a change in twenty years! What a contrast between the weary journeying of months' duration, by the pilgrims of 1850, whose jaded animals, 'like a wounded snake, dragged their slow lengths along,' and the lightning speed with which the iron horse, 'like swift Camilla, skims o'er the plain.' In 1850 the emigrant to the Pacific shores required from four to six months to make the journey from the Missouri river to Sacramento. Now that trip will be made in four days. Only six years have been occupied in constructing that stupendous work, the transcontinental railroad. Almost at the very outset our company had to surmount the Sierra Nevada, clad with almost perpetual snow, commencing to climb the foothills of this lofty range within six miles of the starting point. Their iron and most of their other materials had to be brought around Cape Horn. Yet we have met you nearly in the center of the continent.

"This is a proud day for our youthful state. To her belongs the honor of furnishing the men who had the prescience to comprehend, the courage to undertake, and the energy and perseverance to prosecute the great work to its completion. What the Erie canal was to New York, will this greater undertaking be to the United States at large. The names of Stanford and Judah, of Huntington, Hopkins, and the two Crockers deserve a place in history by the side of Clinton. I am proud also that several of them are from New York, and that Hopkins is a native of our own Jefferson county."

Many times since the completion of the railroad, and twice, as I have said, before that event, Judge Sawyer visited the eastern states. The first occasion was in 1855, and the second in 1857, when, as he thought, he went home to remain in company with his newly married wife, Mrs Jennie M. Aldrich, whose acquaintance he made in Nevada city, and whose decease occurred in 1876. Of their three sons Wellbourne, the eldest, was killed by an accident, and the two survivors, Prescott and Houghton, were so named after two of the pioneer settlers of Lancaster, Massachusetts.

Judge Sawyer's last trip to the east was in the spring of 1890, when he was accompanied by Houghton, then only eighteen years of age, but already the inventor and patentee of an improvement in cable roads. Already an expert electrician, it is his intention to follow in that department the profession of an engineer. Nearly half a century before the judge had been a resident of Chicago, and visiting that city in May 1890, was entertained at dinner by members of the bar association, among them his former pupil, Judge James B. Bradwell. By him a letter was addressed to Judge Sawyer some few months before, inquiring whether he had not at an exhibition in early days, acted the part of judge in the comedy of the "Hoosier Court." From Sawyer's answer as published in the Chicago *Legal News* I extract the following:

"I was a tutor at Wilson's academy during the spring of 1847, and at the close of the term had the honor of presiding over the 'Hoosier Court,' to which you refer. At that time I had not the remotest idea that I should ever preside over any other judicial tribunal; yet it has fallen to my lot to preside as judge over judicial tribunals, state or national, for twenty-eight years—twenty of them as United States circuit judge for the 9th circuit. Heretofore I have had four very large districts in my circuit, requiring over 6,000 miles of travel each year to hold all my terms. Now the new states of Montana and Washington have been annexed, and if Idaho should be admitted, as is probable next winter, it will also be attached to my circuit. My jurisdiction is therefore considerably larger than it was when judge of the 'Hoosier Court.' Indeed I believe I have the largest territorial jurisdiction of any court in the world. I have jurisdiction of all offences committed anywhere in the world on the high seas, as well as appellate jurisdiction in cases in admiralty arising on the high seas. As circuit judge for the district of Oregon, I have appellate jurisdiction from Alaska, including the Behring sea. As circuit judge for the district of California, I have final appellate jurisdiction from the judgments and decrees of the consular and ministerial courts of China and Japan, and often have appeals from those courts. Also final and appellate jurisdiction from the consular and ministerial courts of all northern Africa, including Egypt and the Barbary states, and from the same courts in the empires of Turkey and Persia. Quite a change since the days of the 'Hoosier Court.'"

If when duty required in his official capacity Judge Sawyer has been stern and inflexible, in private life he is the very embodiment of kindliness and simplicity. One of the oldest and most respected members of the judiciary, he is none the less respected among the chosen circle of his intimate friends. While in that circle the dignity of office is laid aside, and in its place is a gentleness and affection that have won the hearts of all who knew him, have called forth esteem that has ripened almost into reverence. Too often is it the case that the majesty of public station fades amid the intimacies of family life; but not so in his, for here are no vices or weaknesses to be glossed over or concealed. Pure as his administration has been his private life, simple and abstemious his habits, and there are none of whom it can more truly be said that he has kept himself unspotted from the world.

Now at the age allotted as the limit of man's earthly career, his faculties are still unimpaired and he may yet live to adorn, for many years to come, the profession to which he has imparted so much of its tone and repute. He may live, as he himself remarked to the alumni, unconsciously depicting his own career, to secure the sanctuaries of justice from profanation, to guard their portals from the intrusion of the unworthy, and to proclaim to the unsanctified, *Procul, O procul esto, profani!* Let us hope that it may be so, for such men his country needs; men who so far as it is given to erring humanity, bring to these, our earthly tribunals, the qualities which in their highest development, belong only to the great tribunal from which there is no appeal.

CHAPTER V.

LIFE OF JOHN G. DOWNEY.

Political Campaign of 1859—Parentage, Ancestry, and Education—Business Apprenticeship—Journey to California—Early Experience—At Los Angeles—Real Estate and Building—Mrs Downey—Political Career—The Parsons Bulkhead Bill—Opinions of the Press—Approbation of the Governor's Policy.

"That character is power," it has been well remarked, "is true in a much higher sense than that knowledge is power." The mere possession of intelligence without the moral worth which should accompany it, of mind without heart, of ability without the safeguards which should control it, are, indeed, powers of themselves, though too often powers for evil. Integrity, uprightness, and a strict regard for truth, or, as an old writer puts it, "that inbred loyalty to virtue which can serve her without a livery," constitute the truest nobility of character, and he who is the possessor of such qualities, when united with force of will, wields an influence for good that cannot fail to leave its impress. Such men come not in troops, not many, perhaps not one in a lifetime, but a single individual, whose moral nature has been fashioned in such a mould, is worth a myriad of the baser sort.

It is a well-known saying that "a man is already of consequence in the world when it is known that we can implicitly rely upon him." And more especially is this quality valuable in those who control the affairs of state or nation.

It was in the midst of exciting scenes, when on the 14th day of January 1860, John G. Downey took his seat as the governor of California. The most momentous issues of state and nation were at stake. At home the blood set boiling by one of the most notable campaigns of California's political history had not yet cooled, while far away was heard the low rumble of coming civil strife. The spirit of chivalry had not wholly departed. The bowie-knife and revolver were still elements in the formation and maintenance of opinion. The question of slavery was paramount over all. Political parties and personal feeling were alike profoundly moved. All felt that a turning point in the destinies of the nation had been reached.

Champions of their respective parties were the United States senators, David C. Broderick, anti-Lecompton, or anti-slavery democrat, and William M. Gwin, whose agents managed the pro-slavery division of the democrats. The gubernatorial election of 1859 had returned Milton S. Latham for governor, and John G. Downey lieutenant-governor, over the republican candidates Leland Stanford for governor, and James F. Kennedy for lieutenant-governor. Broderick and Gwin had both come on from Washington to take part in the canvass, which became very heated and early threatened bloodshed. A devoted follower of Gwin, and consequently an enemy of his rival, was David S. Terry, judge of the supreme court.

As the campaign proceeded, and the combatants waxed hotter, a quarrel arose between Terry and Broderick, leading to a duel, which resulted in the death of the latter. The seat in the United States senate thus made vacant was filled temporarily by Henry P. Haun; but on the day after Latham's inauguration as governor of California the legislature in joint convention elected him to Broderick's late position, and he at once vacated the executive office, thus constituting John G. Downey the seventh governor of the state.

The man thus elevated to the highest office of the state was a native of Ireland, having been born in his grandfather's house called Castle Sampson, county Roscommon, June 24, 1827. His father's name was Dennis Downey and his mother's Bridget Gately. Among his ancestors were several, as early as the ninth and tenth centuries, distinguished as chiefs, bishops, and abbots. Castle Sampson was a story and a half house, built of cut stone, the material having been taken from an old Norman castle. Dennis Downey was as fine a looking man as the country could boast, standing five feet eight inches in his stocking-feet, and being able to jump into the saddle while the horse was in full run. And he was as strong mentally as physically. The family were all catholics, and well educated, Governor Downey's grandfather having kept his children at school until they were twenty-one.

The boy John was brought up to work; indeed, few men in America are found having accomplished anything in life who did not learn the lessons of application in early life. All kinds of farm work became familiar to him, haying, ploughing, and raising stock.

After a preliminary education under the eminently practical system maintained in the national schools of Ireland, John came to America, whither two half-sisters had preceded him, in 1842, and attended a Latin school in Maryland under the tuition of a Mr Cochran. He walked three miles to school, carrying his luncheon and books. In his studies his tastes leaned toward the classics rather than toward mathematics.

His sisters desired him to become a priest, in which calling, as I have said, his relatives had been eminent; but John's inclinations were not in that direction, and he was apprenticed to learn the drug business in Washington with John F. Callan. Next he went south, and spent a year in a drug and stationery store at Vicksburg. In 1846 he turned his face westward, pausing for three years at Cincinnati, where he was full business partner with a kind old Scotchman, John Darling. In 1849 he came on to California.

All through his earlier life his mind had been filled with visions of broad acres as the only real and proper foundation for wealth and prosperity; and although it was the gold excitement which first directed his attention to the Pacific coast, land rather than metal was uppermost in his mind as the ultimate purpose. Darling had endeavored to dissuade him from going to California, but Downey felt that in this favored land he could best achieve his destiny. And it was a rare intelligence that thus early in life led him to rest his fortunes on the substantial property of land rather than give himself up to glittering allurements of gold.

The journey was made by way of the Isthmus, with a little time spent at New Orleans and Habana. From Panamá, his steamer on the Pacific side, the *West Point*, failing to make her connection, he was obliged to proceed on the old store-ship *Sarah* to San Francisco, the voyage occupying eighty-seven days.

Downey had just ten dollars in silver, and a gold watch, when he landed in San Francisco. Of course he must see the mines, if only to take a dose and become sick of them. So he pawned his watch for sixty dollars, went to Sacramento, thence to Marysville and Grass Valley, and after a short experience of working in water up to his knees, and getting little for it, he was satisfied he had enough of it, hence returning to Sacramento, he rolled barrels on the levee for passage-money back to the bay. For two weeks he clerked for a Jew, after which he obtained employment in the wholesale drug-house of Henry Johnson & Co. on Dupont street.

With such an experience and such a position most men of that period would have been content; but not so Downey. Gold mining and its more immediate influences and results might do for those more imbued than he with the gambling spirit of the Inferno; for him a broad expanse of good land under a beautiful and beneficent sky was still the dominant idea.

One day he picked up a little paper printed at Los Angeles which gave some account of southern California. His attention was instantly arrested. He read on, made inquiries, and thought, and read again, becoming more and more satisfied that here was what he wanted. Among others on whom he called to ask information was W. D. M. Howard, who knew all about the country.

"What in the world do you want to go there for with your drugs?" Howard asked. "It is the healthiest country in the world."

"Well, tell me how many people are now there," Downey replied, "and I will teach them how to take medicine."

Learning of an invoice of goods shipped to a glutted market from Philadelphia, Downey bought it for twenty per cent less than original cost, and proceeding to Los Angeles he opened a drug-store. This was in 1850. The voyage down by schooner had occupied three weeks, and he walked a good portion of the way from San Pedro to save ten dollars. Such was the entry into Los Angeles of one of its first citizens.

But the country around and beyond, ah! there were the health and beauty satisfying to the heart of the enterprising young man. It was December, and the world was all abloom—I need not pause here to describe Los Angeles in December.

Downey at once found a business associate in Dr McFarland of Tennessee, and they made a fine showing with their $1,800 of stock on the property owned by B. D. Wilson. It was then the only drug store between San Francisco and San Diego, and people used to come all the way from Sonora for medicines. At the end of three years Downey had thirty thousand dollars.

He then sold out the drug-store and engaged in cattle and sheepraising. He was now in his element, besides being on the highway to fortune. We cannot help being struck by the singular foresight, amounting almost to inspiration, which prompted a young ambitious man to leave the exciting scenes attending gold-mining up the Sacramento, the speculations of commerce and real estate in San Francisco, and also a remarkably prosperous business career in Los Angeles, and bury himself in the country amid his lands and herds. But so it was, although it took some others two or three decades to see the wisdom of it.

When Downey prophesied that ere long Los Angeles would be a city of 40,000 inhabitants, the centre of education and refinement for all this wide section, he was laughed at. But he went his way, following the bent of his rare intelligence. He bought land all around where the city of Downey now is, in the vicinity of Wilmington and San Pedro, and elsewhere, until in the end his acres numbered 75,000, besides a large amount of city property. His Santa Gertrudes rancho, adjoining the Stearns rancho, is renowned for its beauty and wealth of resource, and for its mineral hot springs. He delivered addresses and wrote articles tending to advance the well-being of the country. He published a pamphlet on the peculiar advantages here offered, which was distributed near and far. With mind and heart full of the substantial charms of climate and soil, he discussed the attractive features of the country in his graphic and cogent style, which had a marked effect in bringing about the present prosperous state of things. He was always first among those who took practical and business-like steps toward the accomplishment of this end. He was in favor of a division of the state, believing that the northern and southern sections had not that identity of interests that warranted their remaining politically together. He was the first to cut up his land into small tracts, selling it at ten dollars an acre, and giving the buyer ten years in which to pay for it. This was the very beginning of the prosperity of the country. The colony at Anaheim was the result of these enlightened and far-reaching measures, the founders being entertained and encouraged by him, and the place being named in honor of his sister. The first important building in Los Angeles was the Downey block, began in 1869. The site was selected as the assured centre, whichever way the town might grow. It cost $16,500, and he had ten years in which to pay for it. He erected one part and then another, finishing it up as the rents came in. He had no architect or contractor, but superintended it all himself, the work being done by the day.

Governor Downey was first married in 1852 at Los Angeles, to Miss Guirado, a native of Los Angeles county, and daughter of Don Rafael Guirado, who came from Sonora and settled here in 1835. Mrs Downey possessed much grace and charm of manner, and sustained the high position she was called upon to fill at the state capital with courtesy and dignity. She was also distinguished at Los Angeles for her piety and benevolence; and on the occasion of her sad death, which occurred in an accident on the Southern Pacific railway, near Tehachapi, January 20, 1883, many eloquent and heartfelt expressions of sorrow from her wide circle of acquaintances testified to the high place she had occupied in their esteem. Her wedded life was unblessed with children, and she was especially kind to the orphan. Governor Downey was on the same train, and suffered in the disaster by having several ribs broken, and his constitution so shattered that he has never entirely recovered. To his present wife, Rosa V. Kelley, he was married in the spring of 1888.

Men who, like John G. Downey, while building up themselves are building up the commonwealth, who, while achieving fortune, are assisting in laying broader and deeper the foundations of the state and nation, of liberal ideas and free institutions, hardly realize the grandeur of their position, or the proud possibilities flowing from them and their work. Look along the annals of our country, and see how in certain instances the character and actions of men have affected the destinies of the people. In the development of our coast the story is told of an extensive miner who, from disappointment and loss of courage under failure, poisoned his family and killed himself, his successor in the mine finding a million-dollar deposit only three feet from where the suicide ceased his labors. Such is failure, and such the corresponding influence of success.

Entering more fully into the analysis of the personnel and character of Governor Downey, we find a man five feet six inches in height, of square build, fair complexion, his present white hair being once auburn, hazel eyes, deep and keen, manner courteous, and with a quick and concise speech. Possessed naturally of a strong intellect, he has ever thought for himself, and has been guided along the intricate pathway of his life by honorable aspirations and an enlightened conviction.

Some have a genius for plunging at once into the heart of a proposition, while others, having a less firm grip upon their faculties, arrives at results step by step through infinite toil, and by the severest mental or physical effort. Governor Downey's maxim through life has been to follow his first honest impulse; not that it was deemed infallible, but as something not to be dissuaded from without sufficient reason. When differing from others, as he was often called upon to do, he had always a reason satisfying to himself, though not always feeling obliged to express it. He has ever been held in high esteem by his fellow-citizens and associates, and is regarded as the father of latter-day development.

His manner is dignified, yet genial and hearty, and he possesses agreeable conversational gifts. He is unaffected and outspoken in his opinions, has the faculty of making and keeping friends, and is a generally popular man among the large number of those who know him. He has great reason to be proud of his record, which may stand forth for all time an honorable one in all respects. As governor he served the state faithfully, honestly, and with distinguished ability; regardless of private or partisan ends, he looked to the good of the whole people, and brought honor upon his state and upon himself. In private life the governor's career has been one of marked success, and his character irreproachable. It is such men as Governor John G. Downey to whom California owes the tribute of everlasting gratitude for disinterested, whole-souled devotion to her best interests, and her consequent preëminence among her sister states. As a private citizen his life has been identified with the important interests of California, He is conspicuous among the pioneers and builders in a new land—men who lay the foundation for civilization, and whose spirit and handiwork are recognized in the superstructure so long as they live. But it has been the fortune and honor of Governor Downey to have his name written in letters of gold on the pages of California's record as the conservator of public weal.

His charities have been constant and munificent, and not confined to sect or creed. "When the university of southern California was projected," he says, "I donated to them property in Los Angeles which would probably bring a million dollars at the present time. The catholic bishop sent for me and wanted to know if I had left the church. I told him no, but that the work these men were doing was just as acceptable in the sight of God as the work of our church, and that I had already done a great deal for the catholics here and at San Bernardino, giving them land and money."

He was ever interested in the public affairs of state and nation. When a boy at school, by association he was inclined to be a whig in sentiment, but after he had thoroughly examined the course of the democratic party, and noted how it fought for the constitution, he forthwith took his stand on that platform, where he has remained ever since, though often voting an independent ticket. He has filled many offices of honor and trust besides that of governor; among them the collectorship of the port of San Pedro, councilman, and member of the assembly. He was one of the organizers of the Farmers and Mechanics bank.

When he took his seat as governor he was but thirty-two years of age. It had been arranged beforehand that Latham should retire, and that he should be installed governor. He was president of the senate and lieutenant-governor but for five days. Though young in years when he became chief executive of the state, his administration was marked by maturity of judgment. A leading editor of the day thus writes: "Downey won the gratitude of the friends of a free press by pocketing a bill concerning libel, intended to punish for their outspoken, honest editorials certain papers at the bay that lashed the treasury thieves into continuous fury. The gratitude of the bay city people toward the Los Angeles apothecary, who played the part of governor so much better than any of his predecessors had done, was unbounded. There was nothing they would not have given him, but that his southern proclivities drew him toward the close of his term upon a rock which in stormy times no craft could graze without serious damage."

Indeed, he but expressed the opinion of the people when on the 8th of January 1862, in yielding the executive chair to his successor, Leland Stanford, he inscribed in the annals of the state: "Every department of the government has been conducted in such a manner as cannot fail to give confidence and satisfaction to the people. The appropriations made by the legislature have been faithfully disbursed for the objects for which they were intended, and in strict conformity with the requirements of law."

Surrounding this legislature was a strong lobby, which made its presence felt by all; but the governor, who had entered upon his duties with a modest depreciation of his abilities, displayed throughout executive powers of no mean order. While ever vigilant, he was not arbitrary; with broad views and serene temper, he held the scales of justice with a steady hand.

Concerning a bill introduced by Dr I. S. Titus, proposing to allow certain counties to retain the state's portion of the foreign miners' license tax, etc., in his veto the governor said: "We have been for years trying to arrive at a cash paying basis, and now that the object has been accomplished, and the people gratified with the results, you are about to return by lavish and unheard-of appropriations to our former state of bankruptcy. I consider this bill unjust, and wanting in good faith to the other counties of the state. It is time this system of legislation was arrested."

On the 29th of March, 1861, the governor vetoed a bill by Watt, to incorporate the town of Grass Valley, which provided that the people, by vote, at a formal election, should have power to impose on the property of the town such rate of taxation as they might desire. The governor declared that "it was never the intention of the framers of the constitution to give this unlimited power of taxation to the people; that power is wisely vested in the legislature, and cannot be transferred without constitutional restrictions. I regard this bill as clearly unconstitutional."

In refusing to sign a city toll-road bill the governor, referring to the map, said, "It will be seen that a toll-gate is attempted to be placed almost in the very heart of the city regardless of any expression of the will of the property-owners and residents along the route, or of first obtaining the consent of the board of supervisors. I regard every toll-gate on roads or streets leading to or from San Francisco as objectionable, not only to the residents of the city, but also to those having business to transact in our commercial metropolis. The board of supervisors should be empowered to get possession of these roads and maintain them as public highways. In their present condition they can only be looked upon as public nuisances."

But the act of all others which crowned his political career with fadeless glory was that which defeated the vile purposes of a band of schemers having an eye of evil intent on the commercial prosperity of San Francisco. It was called the Parsons Bulkhead bill, introduced in the legislature in 1860 by Titus, proposing to grant to the San Francisco Dock and Wharf company, composed of Levi Parsons, John Crane, H. S. Gates, J. Mora Moss, Abel Guy, John Nightingale, and John B. Felton, the syndicate being represented in San Francisco by the firm of Pioche, Bayerque & Co., the right to build upon the water line of 1851 a bulkhead or seawall, with piers, wharves, and docks, with the right to collect tolls, etc., and also appropriate to themselves any lands, wharves, or franchise rights along the line belonging to the city, and take possession of any private property on making compensation therefor, thus securing for fifty years control of the water front of the city of San Francisco from Black point to Mission bay.

In stating his objections the governor said: "After giving this bill the most careful consideration in all its details, I am led to the irresistible conclusion that its provisions are not only in conflict with the constitution and the principles of natural justice, but that the measure, as a whole, is calculated to work irreparable injury to our commerce, internal and external, of which San Francisco is, and must ever remain, the metropolis. . . . There is no public object contemplated by the present bill but what has been already provided for by the various enactments referred to; and the franchise which it proposes to confer upon the Dock and Wharf company has, by a previous grant, been irrevocably disposed of. The right to construct the front streets or to build a bulkhead, with the necessary wharves, piers, and docks, with the right and duty to provide for the repair and regulation of these works, including the right to collect and fix the rates of wharfage, tolls, and dockage, has heretofore been granted to the city and county of San Francisco, though not in the same words adopted in this bill, yet in terms not less comprehensive and effectual. Assured by such legislation, the city has heretofore constructed wharves for the accommodation of commerce, under various contracts, which, in several cases, were defectively executed, have been confirmed by special legislative acts. The wharves have been leased out for terms of years, which, in most cases, will expire in 1862. The rents of some of them are placed under the control of the commissioners of the funded debt of 1851, and are sacredly pledged for the payment of the city indebtedness. I do not intend to intimate an opinion that under existing legislation the city and county of San Francisco is invested with the exclusive right to build wharves and collect wharfage except outside of the water front; nor but that under the present, or any constitutional legislation on the subject, the entire water front of San Francisco would be as free to those engaged in trade as the seashore, or any public highway in the state, subject only to such regulations as the city or state in the exercise of the necessary powers of government independent of any right of property may think proper to impose, for the benefit of trade or the maintenance of public order. It would doubtless be the true policy of the state to maintain that freedom to the fullest extent to which it now exists. In the adoption and maintenance of this policy, the disposition and interest of San Francisco, as well as the state at large, would be in perfect harmony. This bill then attempts to divest and impair the rights of property growing out of previous acts of the legislature, which are to be regarded as contracts. The bill also empowers the Dock and Wharf company to take and appropriate private property, not for any such public use as contemplated by the constitutional provisions on the subject, but to facilitate a private enterprise, and augment the profits of its stockholders. I regard the bill, therefore, as plainly repugnant to section 10, article 1, of the federal constitution, and to section 16, article 1, of the constitution of this state. The state, on the ground of the highest policy, as well as of natural justice, should regard its faith in whatever form given, and the rights of private property, as inviolable. The habitual disregard of the one or the other would destroy industry, and arrest all useful progress. Property, legitimately acquired, is the product and reward of labor. If it be not secure, men will not work for it, and universal indolence and crime will succeed. Besides the unconstitutionality of the measure under consideration, I deem it my imperative duty to withhold the executive sanction for other reasons not less cogent. On any ordinary grounds of state policy I should defer to the opinions of a majority of the two houses of the legislature; but when a proposed measure is calculated, as I believe this is, to bring upon the state great and irreparable injury, I conceive it my duty to assume the responsibility, and arrest it. Monopolies are odious; they are especially repugnant to the genius of our government, and to the habits and opinions of our people. They are to be tolerated only in cases of great necessity, a condition which does not exist with respect to the objects proposed by this bill. The value of the franchise which it grants, and which has been sought with great avidity for nearly five years, has been estimated at several millions of dollars, and it has been reasonably calculated that the net receipts of the existing wharves at the expiration of the present leases, say in 1862, will amount to half a million of dollars annually. All this is donated to the Dock and Wharf company. With the income arising from the profits granted, without any additional capital, the company might probably build the contemplated works, as the city or state might do, if those funds were retained. In the latter case the work would be public property, and the income would go into the public treasury. In return for these large and perpetually increasing revenues, what does the state receive? Five per cent of the gross amount realized by the Dock and Wharf company to be placed to the credit of the state school fund. In effect, the company refunds, for school purposes, a very small portion of the donation. It receives from the state $100, and gives back $5 out of the amount received. It would afford some relief to those who bear the burdens of the government to get back even that small portion of what the state parted with without consideration; but this five per cent is necessarily made an additional tax upon commerce, and in case the state or city should repurchase, or the works revert, every dollar thus received into the school fund would have to be repaid to the Dock and Wharf company with interest. The Dock and Wharf company once invested with the franchise and revenues granted by this act, if it should become a law, would in a short time, by means of its vast capital and exclusive privileges, be able to control, to a great extent, the commerce, as well as the legislation and policy of the city and state. It would, by degrees, monopolize every important branch of trade. It might use its power to control the market, producing an inflation or depression as its interests might dictate. Thousands of laborers, constantly depending upon the company or its policy for employment, might at any time, to secure its purposes, be deprived of their only means of subsistence. The power and influence of this company would also, in time, procure a removal of all restrictions, and the right of repurchase or reversion contained in this bill would be compromised and surrendered. The franchise would then be perpetual in terms, as under this bill it is now in effect. No greater injury could be inflicted upon the state than to expose her commerce to the domination of such an establishment. San Francisco herself would suffer less by it than the producers and consumers of other parts of the country, who would be dependent on her market. The burdens imposed would fall chiefly upon them, but all alike have a common interest in the establishment and maintenance of free trade."

All over the state the public journals rang with the praises of Governor Downey. One says: "California has reason to be proud of the man now filling the executive chair. Through all the conflict of public opinion, through the heat and beyond the influence of sectional political organizations, through the spirit of partisan feeling, and against the moneyed power and pressure at the capital for the passage of fraudulent schemes of legislation, he has stood bold and firm, like a skillful mariner guiding the helm of the ship of state. His record will be a moving power in the hearts of the people, and a monument to the man who has on every occasion rebuked the importunities of political tricksters and self-constituted party leaders, and who dared to do right in the honest discharge of his whole duty."

Another remarks on his message: "It is a clear, practical document. His style is such as to elicit a desire for cool discussion, not angry debate." And thus a public body: "Whereas John G. Downey, governor of the state of California, by his firm and fearless conduct officially displayed during the last session of the legislature of the state, in opposition to the acts of that body detrimental to the rights and interests of our city, has merited the approbation and gratitude of the people of San Francisco; therefore resolved that we, the board of supervisors of the city and county of San Francisco, hereby tender our sincere and fervent thanks to his excellency, and that the president of the board of supervisors be requested to transmit to him a copy of this resolution."

Privately the governor remarked upon the subject: "Levi Parsons came to see me about the Bulkhead bill, and I gave him to understand at once that he need not talk to me about it; and I put him down. 'It takes a man of some ability,' I said to him 'to distinguish himself in the senate, but any man with the right heart in the right place can make a good governor.' And I further told him that I thought I was the right man in the right place. Said Parsons, 'I am a man who will go round the world once for a friend, and twice for an enemy. Said I, 'as my time is precious, you had better start on your journey for the enemy, for I propose to put down that bill.'"

Turn, finally, to the pages of contemporaneous history, and see how the public measures of Governor Downey are recorded there. "Latham, having achieved the object of his ambition, resigned the reins of state government to John G. Downey, lieutenant-governor, a man without political history or experience, but not destined to be without a popularity, especially in San Francisco, quite new to chief executives in California. The legislature shaped its labors mainly with the view of securing all the patronage possible for the democratic party, that it might go with reasonable expectations into the presidential election of the coming fall. It passed bills for the inspection of beef and pork, and multiplied licenses, not so much for revenue purposes, or because those staples needed inspection, as because favorites and men skilled in the tactics of primary conventions wanted paying places. It crowned its unwelcome labors with an act authorizing substantially the joint wharf companies of San Francisco to build a seawall, or bulkhead, along the city front, and to take toll of all that passed it into the city for fifty years to come; meanwhile mocking the state with the tender of the reserved right to buy the work on completion at cost and ten per cent yearly interest. It was a barefaced imposition of a heavy tax on commerce for the benefit of speculators, which San Francisco resented with profound indignation.

"Now it had been claimed that Latham was pledged against the scheme, and that, knowing he could not be moved to favor it, he was sent to the senate by the bulkheaders' influence, to get him out of the way. If so they calculated without their true host. Governor Downey lacked experience, but not resolution, and when the enrolled bill went to him for the executive sanction he vetoed it.

"The bulkheaders were boiling with wrath; San Francisco went into ecstacies. The citizens demanded a visit from the little governor of Irish birth and iron backbone, and when he reluctantly consented, they met him at the Sacramento boat with a torchlight procession that shamed every precedent in that line. They escorted him to his temporary residence with music, and banners, and cheers, through streets illuminated with bonfires, costly pyrotechnics, and transparencies, exhibiting mottoes of welcome, and with rockets, roman candles, and triumphal arches over the route."

CHAPTER VI.

LIFE OF GEORGE CLEMENT PERKINS.

Ancestry, Parentage, and Education—At Sea—Interview With King Oscar — Arrival in California — Store-keeping at Oroville — Goodall, Nelson, and Perkins—Pacific Coast Railway—Other Enterprises— Political Career—Governor of California—Charitable and Fraternal Societies—Wife and Children—Appearance and Character.

That one man in his life plays many parts is a saying that applies more generally to the citizens of California than to any community in the world. There are thousands of those citizens who before reaching middle life have engaged in a dozen or perhaps a score of occupations. Beginning frequently with mining, we find them equally at home as merchants, farmers, doctors, lawyers, professors, or preachers, ending their career not infrequently as members of the national legislature, or holding in their adopted state offices of trust and responsibility.

As a type of our California-made men, of those whose energy and long-continued toil, whose foresight and judgment, whose strict adherence to well-defined and comprehensive plans have fashioned their own and their country's fortunes, we may point with pride to George Clement Perkins, who began life as a sailor boy, became successively a miner, a clerk, a store-keeper, a farmer, a banker, a shipowner, a railroad president, and governor of the state, and with numberless enterprises tending to the common good he has been for years connected. By such men the homes of California have been established; by them the land has been enriched and beautified, its resources developed, its commerce and agriculture expanded, until to-day a leading rank has been attained among commercial and agricultural states.

It was in October 1855 when Mr Perkins first landed in San Francisco. He was at that time a stout-hearted and self-reliant youth, about sixteen years of age, of sanguine and cheerful temperament, not easily discouraged, and with an immense capacity for work. Investing his few remaining dollars in a shotgun, a revolver, and a pick and shovel—the regulation outfit of those days—he went to work on the wharf, and earned his passage to Sacramento, en route for the mines.

Born on the 23d of August 1839, in the seaport of Kennebunkport, Maine, Mr Perkins' ancestry is traced back to the days when Sir Ferdinand Georges received from James I a patent to the territory lying between the fortieth and forty-eighth parallels, and was appointed governor general of New England. Of English descent, his forefathers were among the earliest settlers in Maine. They were earnest, laborious, and strong-headed people, of deep religious convictions. Some of them entered the professions; some were farmers or mechanics; and not a few were mariners. All were men of powerful physique, capable of great endurance, and possessed of remarkable vitality, without an exception transcending the scriptural limit of life by a half-score of years. His father, Clement Perkins, was engaged as sailor and officer on vessels trading with the West Indies, and was also the owner of several small fields of land in the neighborhood of his homestead, though such was the poverty of the soil that only by the use of seaweed and other fertilizers could it be made to yield a scanty crop. His mother, whose maiden name was Lucinda Fairfield, was a relative of Governor Fairfield, and also of Governor King, one of the earliest governors of Maine, after its segregation from Massachusetts.

His two brothers are respected citizens of California at this date, one of whom served with gallantry in the civil war under Admiral Farragut. Of his two sisters, the younger, Caroline Amelia, still lives at the old homestead in Kennebunkport, and the elder, Ernestine, the wife of Henry Maling, of the well-known firm of Byron Greenough & Co., of Portland, Me.

In early boyhood his training was very strict. Before and after schools he was required to work on the farm, while the sabbath, with its treadmill of religious exactions, was the hardest day of the week. His tuition, three months out of the twelve, was of an elementary kind. The residue of the year he worked on the farm, where, from principle, the most rigid economy was practiced by all. As a schoolboy, he cared more for sport than for books, being only an average scholar, and having no marked tastes for special studies. He had, from an early age, a passion for the sea, and as he grew his thirst for a knowledge of mathematics, geography, and astronomy became so great that in these branches he excelled. To become the captain of a vessel was his ambition.

In his twelfth year he applied to the captain of the ship *Golden Eagle*, then about to sail for New Orleans, for the position of cabin-boy, but was refused, on account of his youth. Thereupon, he secreted himself in the hold, and after leaving port was accepted, and signed articles as one of the crew. The next four years of his life he passed at sea, making several voyages to Europe, and encountering perils and enduring hardships enough to satisfy even his craving for adventure.

On one occasion, while voyaging from St Johns to Dublin in the ship *Lizzie Thompson*, a mutiny broke out, the ship leaking dangerously. The commander, who had observed the young sailor's boldness and resolution, sought his advice. "Go for them with a belaying pin," was George's answer. The mutineers were quickly subdued; fatal bloodshed was avoided, and the ship returned to port for repairs. On board the ship at St John's there were four young and untried apprentices, who, thoroughly demoralized by the recent mutiny and disaster to the ship, begged him to help them escape. Acting on the spur of a generous and sympathetic impulse, he got them into a boat, and, drifting down the tide, conveyed them safely on board an outgoing ship. Returning a few hours later, the captain inquired angrily what he had done with them. He frankly told him, adding: "I know I am in the wrong, but they haven't got the making of sailors in them, and I thought they'd better go home." Thirty-five years later one of these runaways, after serving in the war, and making his fortune in Colorado, called at the office of Governor Perkins to express his gratitude for the deliverance.

At Christiana, on one of his voyages, Perkins made up his mind that he would see the celebrated Swedish King Oscar. In company with a sailor lad by the name of Jack Branscomb, approaching the royal gardens, he was confronted with an impassable moat. But the boy had made up his mind, and would not be balked of his purpose. After careful search he discovered under the moat a narrow tunnel, the mouth of which was choked with rubbish. Into this he plunged, Branscomb following at his heels, and made his way to the opposite entrance. On emerging they were instantly surrounded by guards, who could not understand their explanation, yet attempted to conceal them; but the monarch with his retinue was approaching. One of the party stepped forward and asked their business. Young Perkins, acting as spokesman, for his comrade was shaking as with an ague, boldly made answer that he had come to see his majesty, King Oscar I; they were from Boston, and when they returned home would be proud to tell their friends that they had been face to face with the king." "Well," said the other, in perfect English, "You have seen him; I am the king." At the same time he handed each of them several coins as souvenirs of their visit. In 1884, thirty years after this adventure, Branscomb turned up on the California coast, under the following circumstances: One day, while on board a pilot boat, bound for Monterey, in company with Commodore Allen and a party of friends, Gov. Perkins observed that one of the sailors was eying him intently. "Who is the governor; what state does he come from?" inquired this sailor from another of the crew. "From Maine," was the reply. "I thought I knew him. You ask him if he ever met with a boy by the name of Jack Branscomb, who served on board the ship *Luna*." And Jack Branscomb it was—the same Jack, who thirty years before had trembled in the presence of royalty. It is almost unnecessary to state that Mr Perkins at once came forward and greeted him as an old comrade, and soon provided a place for him as boatswain on one of his ships.

During the voyage from St John's to Dublin and Liverpool, it happened that among his comrades was an old sailor, recently returned from California, and mainly through his persuasion, he determined to seek his fortune there. A few days after his arrival in San Francisco he took the steamer for Sacramento, whence he walked to Butte county, carrying on his back his tools, blankets, and gun, and, for provisions, some crackers and bacon. In Butte, Plumas, Sierra, Tehama, and Lassen counties he worked for several months at placer mining, sleeping in cloth tents, under trees or ledges of rock, and living as best he could.

The proverbial sailor's luck deserted him, and in a temporary fit of despondency, he concluded to go to San Francisco and ship for Frazer river, the excitement regarding this point being at its height. After reaching the city, he determined that California contained good things enough to satisfy any man that had the nerve to wrestle for them, and that he would return to the point where he had first failed and make another trial. Being without means, he worked his passage on a steamboat to Sacramento and again walked from there to Oroville, or Ophir, as it was then termed. On his return he secured employment, driving a mule team, at which he was not expert, as the reader will imagine, but the will that caused him to retrace his steps, soon gave him the mastery over the avocation.

In the following year he obtained employment, in a store at Oroville, as porter. Now he considered himself fairly on the road to fortune. Building a small cabin, doing his own cooking, and practising the most rigid economy, he lived on one sixth of his income, and in a little more than two years, accumulated $800. With this sum, and $1,200 obtained on his note, he purchased a ferry at Long's bar, which he improved and shortly after sold at a profit of $1,000. Placing his money at interest he returned to the store at Oroville, now at a salary of $80 per month. Soon afterward he was promoted to a clerkship and in less than three years, business being then at a low ebb, became the owner of the establishment. For the first month his sales amounted to $4,000 ; at the end of the first year they had increased to $15,000, and on the second to $25,000 a month. He then erected a flour mill, and through his strict attention to business, his liberality and fair dealing, gradually enlarged his operations, until his trade in produce, provisions, groceries, and general merchandise amounted to $500,000 a year. All this he had accomplished when little more than twenty years of age.

Until 1875, when he transferred to his brother the charge of his business, Mr Perkins made his headquarters at Oroville. Meanwhile, to his other interests were added sheep and cattle ranches. In mining and the lumber business he was also largely engaged ; at Chico, in connection with N. D. Rideout and others, he established the bank of Butte county, of which he became a director

During the flood of 1862 the fertile valleys between Oroville and Marysville, the latter being the base of supplies for the former, were overflowed and communication cut off. Provisions could not be had except by descending the Feather river, the only hope of relief. Perkins, having built a skiff, and accompanied by a single volunteer, who left him after two or three dangerous riffles had been passed, dropped down the stream to Marysville, noting carefully the dangerous obstructions in its channel. There he chartered a steamer, and, loading her with provisions, returned within a few days to the relief of the needy people. This was the largest steamboat that ever ascended the river as far as Oroville, only one small stern-wheeled steamer having made the trip before.

In 1872 Mr Perkins accepted a partnership in the firm of Goodall & Nelson, the firm being known as Goodall, Nelson & Perkins; they then incorporated as the Goodall, Nelson & Perkins Steamship company, and later incorporated the Pacific Coast Steamship company. At the date mentioned they had but two or three small steamboats in operation, running as far south as Monterey, and northward only to Tomales bay. To these, others were added from time to time, until in 1881 they had a fleet of twenty-one steamers, plying from Sitka on the north, to Mexico on the south, and to some thirty intermediate ports, several of them being vessels of from 1,200 to 1,500 tons. In that year the company disposed of its interests to Henry Villard, and his associates, who had long competed with them for the carrying trade of the coast, receiving, however, a contract to manage the business for a term of seven years, which was later extended to twelve years. At the same time they secured the agency of the Oregon Railway and Navigation company, having then, also, the control of the Pacific Coast Steamship company. The Pacific Steam Whaling company, of which he is vice-president, and the Arctic Oil Works, of which he is president, were also organized by the members of this firm and their associates, and by them were built the first steam whalers constructed on the Pacific coast. These vessels were sheathed with imported ironwood, which resists better than steel the shock of the ice-floes. Under the head of *Routes and Transportation* I treat at length the operations of Goodall, Perkins & Co., one of the important subjects in that department. Mr Perkins is in his element in this great business and has been a large factor in building it up.

Among other enterprises with which he is connected may be mentioned the railroad from Cuffey's cove to the redwood timber lands of Mendocino county, in which he is largely interested. He is also president of the Pacific Coast railway—a railroad running through Santa Barbara and San Luis Obispo counties and terminating at Port Harford. He is a director and large owner in the corporation of Starr & Co., who own and operate the largest flour mills and warehouses on the Pacific coast. He is also a director and owner in the bank of Butte county in Chico, and the California State bank, located at Sacramento, and a director in the First National bank of San Francisco, one of the strongest financial institutions on the Pacific coast. He is also vice-president of the West Coast Land company, and, in conjunction with his partners, the owner of three-tenths of its estates in San Luis Obispo county.

He has been largely interested in quartz and gravel mines in most every mining county in the state, and elsewhere on the coast, and especially in iron mines near Puget sound.

In 1860 Mr Perkins cast his first vote for Abraham Lincoln, and has always been amost ardent republican, though not a partisan in the extreme sense of the term. He was an abolitionist and uncompromising in his loyalty to the government. His motto was, "The Union first, last, and all the time," but he did not believe the negro, until prepared by education, should be given the ballot, which he looks upon as a sacred right that should be placed in the possession of the intelligent class only.

Soon after the outbreak of the rebellion the citizens of Oroville were about to celebrate the Fourth of July with more than usuul patriotic spirit, and from the flagstaff in the Court House Plaza the stars and stripes were to be unfurled. During the preceding night the halyards had been cut, presumably by some evil-minded secessionist. For a moment it seemed that the damage could not be repaired. A crowd had assembled, and were angrily discussing the outrage, when a young man stepped forward, and tying the halyards around his waist, climbed to the truck and rove them with his own hands. In an instant the nation's standard was floating in the breeze. The lad's name was Perkins.

In 1869 he was elected on the republican ticket to the state senate, for the senatorial district of Butte county, over George W. Colby, an able democrat, whose party was largely in the majority. And in further recognition of his usefulness and sterling qualities he was chosen, in 1873, to fill the unexpired term of Senator Boucher, deceased, for the senatorial district comprising Butte, Plumas and Lassen. He had made himself popular in the community by his public spirit, enterprise, and generosity. He seldom refused credit to his patrons, and never for provisions or necessaries; and very rarely did those whom he trusted take advantage of his liberality, for to impose on the "captain," as he was termed after his exploit during the flood of 1862, was considered the essence of meanness. In the senate Mr Perkins was known for his practical ability, industry, business-like methods, independent thinking, liberal ideas and a conscientious ambition to be the actual servant of the people. As a member of the finance committee he presented a minority report, signed only by himself, favoring the passage of a bill framed to support the state university, which was afterward adopted by the senate, and an appropriation was made for the first time granting state aid to the University of California; for he believed the opportunity to acquire a higher education to be one of the greatest blessings within the gift of the state. On the committee on claims, of which he was appointed chairman by the democratic lieutenant governor, Holden, this being the only appointment of a republican to a committee chairmanship, on public lands, and on commerce and navigation he rendered important services, among which may be mentioned the bills, of which he was the author and brought forward and labored to have passed, relative to school and swamp lands; one granting aid to agricultural societies, and another conferring upon juries the power to determine whether the sentence for murder should be death or imprisonment for life, thereby saving the community from many a criminal whom a sympathetic jury could seldom get sufficient evidence to convict but for this alternative. He also was very successful in passing many local bills that immediately affected the interests of the counties he represented and were demanded by his constituents.

To him is also due in part the rejection of senate bill, No. 243; an act to empower the counties of Merced, Stanislaus, Fresno, Tulare, and Kern to aid in the construction of a railroad in said counties, by which it was proposed to give the San Joaquin Railroad company, really the Central Pacific company, every alternate section of land through which it was to be built. This measure, which would have deprived the state of a valuable portion of its demain, passed both branches of the legislature in the session of 1869–70. Governor Haight vetoed the bill, and Mr Perkins was the only republican senator who, considering the measure purely on its merits, felt confident as a business proposition the road would pay to build without state aid, he therefore believed it his duty to put aside all partisanship and voted to sustain the veto of the democratic executive.

In 1879 affairs were sadly out of joint in California. The epoch was perhaps the most serious in the history of the state. The new constitution had been adopted, and on the 1st of January 1880 became the organic law. Many of its provisions—especially those aimed against capital—were regarded by the conservative class as fraught with mischief. It hampered legislation; introduced a new and untried system of judiciary; made radical innovations in the revenue system; favored non-resident property holders; and declared vacant every office in the state, without justice or discrimination. It legislated too much; it was lacking in clearness and precision; all the benefits that it proposed to confer could be accomplished better by legislation.

In the fall of this year Mr Perkins received the republican nomination for governor. Opposed to him were Dr Hugh Glenn, the democratic nominee, and Mr White, the nominee of the workingmen's party. The democratic nominee was put forward as a man of the people; as one free from all sympathy or connection with monopoly, selected as the candidate for the new constitution party, and supported in his candidacy, with all its energy and tact, by the San Francisco *Chronicle*, a republican journal of great influence, and the entire democratic press. Mr Perkins had been outspoken and uncompromising in his opposition to that instrument, while among the unthinking multitude his reputed wealth and connection with the steamship company and other large enterprises made it easy for his artful opponents to decry him as a monopolist and enemy of the people.

The odds against him were great, and he knew that if the election were to take place at once he would be defeated. The campaign was short—only sixty days. The emergency called forth the supreme effort of his life. Yet he preferred to lose the fight rather than strengthen himself by entering into any combinations, and he distinctly refused to make any promises of preferment, express or implied, that were conditional on his election. In the short time allotted he canvassed the state from San Diego to Siskiyou, often speaking two or three times a day in cities, towns, and villages, or at wayside houses. He was frequently greeted with ovations, though encountering everywhere a determined opposition from those who favored the new constitution, which, however, now that it had become the law of the land he declared should be recognized and upheld by all as such; and he pledged his honor that if he were elected he would carry out its provisions to the best of his ability.

By those who listened to Mr Perkins' speeches during this canvass it is related that he displayed a familiarity with the condition and wants of all classes of the people such as no man could possess whose life had not been interwoven with theirs.

One of themselves, and having risen to wealth and distinction among them, he was thoroughly at home on all topics in which they were interested. With quickness of perception and soundness of judgment he combined a thorough knowledge of character gained by contact and competition with his fellows. Though making no display of rhetoric, yet his views were expressed in clear, forcible language, spiced with a vein of good-humor, which softens animosity and inspires trust. His manner was always unequivocal and frank, and he impressed all who heard him with his integrity of purpose. Wherever he spoke new friends sprang up about him, and the old ones already knowing the man personally, or being familiar with his reputation, took off their coats and worked for him. His election to the governorship by a plurality of more than 20,000 over each of his opponents shows a brilliant triumph, unparalleled in the history of California politics. The result was a singular reversal of the vote on the new constitution, presenting the anomaly of electing a man to the chief magistracy of the state who would be called upon to execute the provisions of a political chart to which his convictions and principles were avowedly opposed; a capitalist, and at the head of a powerful corporation, chosen by the very people whose outcry was against capital and corporations. This phenomenon is not explained by any one cause alone, but the outcome was mainly due to the appreciation of Mr Perkins' character and worth. The compliment paid him by the people was magnificent, and without precedent. He proved himself worthy of it, however, for even his political adversaries acknowledge that he fulfilled his pledge regarding the new constitution faithfully.

Of the several wholesome measures inaugurated during his administration, and of the valuable recommendations contained in his inaugural address and messages, it is impossible here to make more than a passing mention. Not least among them was the plan proposed by him for utilizing the labor of convicts at the state prison, where, under the provisions of the new constitution, no further contracts for such labor could be made after the first of January 1882. For the movement of the crops there were needed annually from 25,000,000 to 30,000,000 grain bags, for the purchase of which, in Calcutta and elsewhere, more than $2,000,000 a year was sent out of the country. To prevent this drain upon our resources, and at the same time lessen the burden of taxation by reducing the expenses of the prison, and also to obviate the competition of convict with free labor, was accomplished by the introduction of a jute factory at the penitentiary. When he entered upon his duties he was confronted with deficiency bills amounting to $218,000. These were shortly paid off, and at the close of his administration the state had but $600,000 of outstanding bonds in private hands (the state holding balance in treasury for school purposes), and in the treasury $500,000 to redeem them. Many public buildings were erected; among them the normal schools at San Jose and Los Angeles, and additions made to the state university, the insane asylum at Stockton, and the institution for the care of the deaf and dumb, and the blind, and the state prisons at San Quentin and Folsom.

His appointments were in the spirit of civil service reform, with the happy result that no one of his appointees betrayed his trust. The pardoning power he exercised freely and yet with care.

A few weeks before the conclusion of his term a banquet was given to Governor Perkins in Sacramento, by the leading citizens of California, regardless of party, in token of "their appreciation of services to the state and people." Though not a formal gathering, and intended rather as a compliment to the man than a tribute to the official, the splendor of its appointments and the sincere expressions of esteem and good-will, from men of all political creeds, gave to this entertainment more than a passing significance. By Hon. N. Greene Curtis, who, though a strong democrat, was chosen to preside on this occasion, a cordial welcome was extended to the governor, to whom he afterward presented, on behalf of the citizens, a case containing eighty-four pieces of solid silver plate. That men of all parties should join to do him honor is stronger praise than any words of mine.

In 1886 Mr Perkins was a candidate for the United States senate, and received a handsome vote, though the ultimate choice fell upon Hon. Leland Stanford.

During his official career the governor delivered in various portions of the state many lectures for the benefit of churches and benevolent institutions. In the smaller towns people assembled from a distance of twenty-five miles to listen to his discourses on familiar topics.

Mr Perkins, while not a graduate of any college, has an education that entitles him to be classed as a fair representative of a government whose affairs have been shaped and controlled by men whose native strength has been largely developed by self-help. He not only acquired information from books, for he has been a student in the midst of business, but he has his share of that wisdom which Bacon says exists outside of books and above them. With the cause of charity and of philanthropy he has for many years been identified. As president of the Boys' and Girls' Aid society, in San Francisco, he has been an enthusiastic and effective worker in retrieving young men and women from a life of crime and degredation towards which they had taken the first step. By himself and others the institution has been built up from the most meager beginnings to its present wide scope of usefulness. Since his connection with it homes have been found for more than eleven hundred neglected children, ninety per cent of whom have been permanently reformed. To many other benevolent associations, including the Ladies' Relief society, kindergarten schools, boards of Masonic relief, and the Old Ladies' Home, he contributes money freely, and, what is more important, also his earnest and timely labor. His religion consists largely in doing good in this way.

While a resident of Oroville Mr Perkins became connected with the Masonic order, filling most of the positions of the Blue lodge from junior Deacon to Master. Later he was elected to some of the highest offices in the Grand Lodge of Free and Accepted Masons of California, and was also chosen Most Worshipful Grand Master of the Grand Lodge of California. During the great conclave of 1883 (when more than five thousand Knights Templar were gathered in San Francisco, coming from all the states and territories of the union), he was elected the Grand Commander of the Grand Commandery of Knights Templar of that order in California. He is also a member of the Military order of the Loyal Legion of the United

States, having been elected for valuable assistance rendered during the war, although he was not in the army.

Among other positions of trust which Mr Perkins has held it may be mentioned that from 1879 until his election as governor he was president of the San Francisco Chamber of Commerce, and in 1884 he was unanimously elected president of the Art association of San Francisco. Between 1876 and 1880 he was one of the trustees for the Napa asylum for the insane, being the only republican member of the board. He is also a trustee of the asylum at Berkeley for the deaf dumb, and blind, a trustee of the state Mining Bureau, and for many years a trustee of the Academy of Sciences of San Francisco. He is a life member of the Mechanic's Institute, the Astronomical society of the Pacific, the state Geographical society, the Young Men's Christian Association, and of a number of literary societies and social clubs.

In 1864 Mr Perkins was married at Oroville to Miss Ruth A. Parker, a native of Cork, and the daughter of an English officer in the excise service. Of this lady it is not out of place to say that at home, a devotee to the duties of wife and mother, she has faithfully supplemented the life of her husband in her sphere. Of their seven children, the eldest son, now twenty-one years of age, graduated at St Matthew's college in San Mateo; and the second, a youth of sixteen, is a student of the high school at Oakland, and was appointed in 1889 to the naval academy at Annapolis, and successfully passed his examination, and was honorably admitted a cadet to the academy. The eldest of their daughters was recently married to Mr J. E. Adams, a member of a wholesale leather firm, San Francisco.

To most of my readers in California the *personnel* of the ex-governor is already familiar; his mild, clear, grayish-brown eyes, his dark brown hair, now threaded with silver, his broad, high forehead, and firmly clasped lips. Considerably above medium stature, very erect, five feet ten inches in height, he is of large, though not of bulky, frame, a compact, well-knit figure. His constitution, fortified by toil and exposure in early life on land and sea, is not perceptibly impaired. He is plain and unstudied in dress; in manner cordial and unaffected. His home in Oakland, where he has resided since retiring from political life, is one of comfort and elegance, though his habits are simple and temperate, and his personal wants few. He is a pleasant conversationalist, and as an after-dinner speaker he possesses a spice of good-humored irony that is very agreeable and all his own.

This is he who began to be his own guardian at twelve years of age or earlier, and has leaned upon no one since; who, landing on these shores friendless and almost penniless, in five or six years won a respectable place among the merchants of northern California. At thirty, senator; at forty, governor; while in both positions attending to large and complex personal affairs, he entered upon the latter office at a period when the community was distracted by the labor question, the Chinese question, the débris question, involving a controversy of extreme importance between the farmers and hydraulic miners of the state; and the perplexing issues connected with the new constitution. Fortunate was it that at this juncture the state had at its helm a man of his discretion and integrity; one who at a time when the old order of things having passed away the new could not be established until chaos had been overcome, possessed the strength and the tact to control the machinery of a government almost revolutionized.

He appears to me as a type of true Americanism, upright, charitable, bold, versatile and laborious, a conservator and a benefactor. Conspicuous among the builders of this state and coast, he has contributed to California's progress by his talent and industry. Compared with the truthful record of such a life, a

In our study of men as units of the commonwealth, we are sometimes startled by our discoveries. So much we see, so little we know of those about us, that, on lifting the coverings of conventionalism and penetrating the personality, even of well-known characters, we find ourselves far away from our supposed point of view, and involved in investigations as bottomless as eternity. Underneath these same conventional coverings of finer or coarser aspect, we may behold, where least expected, the flood-tide of genius, the slow flow of martyrdom, undreamed of exaltation of soul, with now and then mighty problems undergoing solution by mighty minds. It may be thus, or otherwise; and when we expected much, find little. From behind pleasing manners we may draw forth the hypocrite, or find hidden beneath an impetuous exterior, the true nobility of calm.

What should we say, for example, of James Parker Treadwell, knowing him little; what was he, knowing him well? In the town directory, he was called attorney and capitalist. This was true, for he was a millionaire. But it would be erroneous to infer that he took delight in other men's quarrels, or that his mind was altogether absorbed in acquiring wealth.

What then was his life, and what was he? In the story of his life, are found its lessons. His mission was primarily to be a man; a conspicuous figure in our present era of living; to elevate the intellectual and moral, and show us all how to suffer; for suffering and death, with fortitude or without it, is the great lesson of civilization, no less than that of savagism.

Various are the attitudes in which men display their nature, the color of mind, the flavor of thought; instance here the man of intellect and learning; one who liked to be alone in his study, wrapped in questions of philosophy or diving into books of ancient law, of which his knowledge was thorough and profound; or burning the midnight oil while solving astronomical problems, or absorbed in the study of chemistry. Go with him to the court-room where he presented a striking appearance with his fine physique, powerfully-built body, nearly six feet in height, broad-shouldered and deep-chested, his wonderfully well-shaped head and handsome profile, full nostrils, face of Roman type, strong, clear lines, penetrating blue eyes which met yours fully, large, but so well set back in his large head, that to a casual observer they did not appear large; light brown hair turned gray, closely-cut beard and mustache, all—even the measured tread adding to the impression of strength, decision, will; look at him driving through the streets of the city, carrying the whip in the right hand over the shoulder, upon his head a broad, black hat, like a Spanish sombrero, about his neck a heavy New England wool-knit muffler, giving him the appearance of a farmer of the olden time going to mill, or as a business man, or in his home, surrounded by his charming family, the beloved husband, the adored father was what we love to contemplate a *man*.

Mr Treadwell was a native of Massachusetts, born at Ipswich, June 25, 1817, of good substantial New England stock, the ancestry on both sides being readily traced back for seven or eight generations. Moses Treadwell was the father and Lydia Bowes Parker the mother. The paternal grandmother, Susan Coggeshall, was a cousin of John Hancock of revolutionary fame. The parents, like the grandparents, were quite wealthy for the time in which they lived, having interests in lands and ships. Moses Treadwell, the father of James Parker, was a man of great moral courage, which marked him as an avowed student of Tom Paine. With the aid of one of his townsmen, he organized and supported, to the day of his death, a unitarian church in Ipswich.

Amid young playmates, brothers and sisters, full of life, fun, and mischief, James passed an exceptionally happy childhood. What bright vision would this world be could that period always last! In this instance, a terrible misfortune which befell the youth at the age of eight years, did not wholly check his joyous activity. The simple recital is touching. A play fellow, taking up a gun, supposing it not loaded, pointed it at him and said, "Jim, I'll shoot you!" He fired, and the boy, bleeding, his limb shattered, was carried to the mother. It was found necessary to amputate the leg. The local physician lacking experience, a surgeon was brought from Boston, the boy being kept unconscious during the necessary delay of over twenty-four hours. It is useless to speak of the sorrow of the parents; words cannot depict their agony. When the boy returned to consciousness after the operation, he simply said: "Mother, my leg is gone!" and so, alas! it was, and he was compelled to wear an artificial limb. Never, so long as he lived, did he wish the subject mentioned to him or discussed in his presence.

His bravery and patience during convalescence and all through life, was wonderful; indeed, he was often, in after years, heard to remark that he rather enjoyed severe pain, as, by it, he might prove to himself how much fortitude he could exercise.

As a young boy he cared nothing for books, but nature's lessons he quickly acquired. His courage was indomitable; he did not know the meaning of fear. He was a born leader, and but for this accident would undoubtedly, in later years, have distinguished himself on the battle-field, or have been a foremost man of the nation. Indeed, he has been spoken of as a Von Moltke and a Bismarck, being equal to them in ability.

And now at the age of thirteen comes to this boy another blow—the loss of a mother, who, by her tender love had thus far greatly alleviated his sorrow; and a year afterward his father dies. Verily, for one for whom the gods had done much, it would seem that some of these afflictions might have been spared him.

After his mother's death, he was sent to Bradford academy, and a year later returned upon the death of his father, which was likewise attended by loss of property. He now became a changed person. The realities of life were upon him.

He entered the Boston custom house as his uncle's clerk, and after remaining two years had seven hundred dollars in the bank; but the bank failed, and he lost it. When he received the news of the failure of the bank, he was studying at his table by the light of two candles. He saw at once the necessity for the most rigid economy, quietly laid down the letter informing him of his misfortune—yes, of his ruin, financially, for it was all he had in the world—snuffed out one of the burning candles, and proceeded with his studies. Meanwhile he had lectured in Boston on temperance, and on his return to Ipswich delivered a Fourth of July oration in the court-house. For the latter event, the knowledge of which first became known to the family by posters on trees and public doors, preparation was made by practising in the barn. A party of Cambridge students from Ipswich, returning home for the fourth, on alighting from the stage-coach, were told of James Treadwell's attempt at speech-making at the court-house. "What fun!" they exclaimed, "let us go, and hear the most mischievous boy in town, who was never known to open a book, deliver an oration." They found the court-house crowded, and young Treadwell in the midst of his discourse. He saw them come, and taking in their purpose fully, continued his remarks as unruffled as an experienced lecturer. They who came to scoff remained to cheer, and the oration was pronounced a success. As he came out, the patriotic and learned of the town came forward to congratulate him, but he drew himself up and walked past them with stern dignity, entirely wrapped up in his purpose, caring neither for censure nor praise.

Independent from boyhood, he became more so, to which was now added a grand strength; it was not pride, for pride was ever unknown to him. His great misfortune was now come home to him, becoming the drawback which must ever attend his career in consequence. From this time he devoted himself to literary and scientific subjects. He entered Harvard college, and received the degree of Master of Arts, with the class of 1844; he was admitted to the bar in Massachusetts, and practised law successfully in Boston for about seven years. In 1851 he came to California. Perhaps there never came to this state a more pronounced character—strong, eccentric, everywhere grand, and entering here and there the domain of genius.

While undergoing most excruciating pain from his infirmity, he was often engaged in profound researches. While he delighted in solitude, as every truly intellectual man must, it was not to the exclusion of his friends. He was charitable to the deserving poor, and delighted in encouraging the studious young. He had about him a wonderful magnetism, which startled and at once claimed your attention and your admiration, but seldom touched the cords of sympathy. Intellectual force was what he dealt in. Knowledge, strength, decision, were his weapons. He would command by logic, rather than win with soft words; failing to convince, he rarely attempted to persuade; when he did, he generally succeeded. There was in his presence a preponderance of will and wisdom, which made him a giant by the side even of strong minds. He was a classical scholar, equally at home in Latin or Greek, and accurate in his translations. Mathematics was a passion with him, and during his whole life he found great pleasure in the study of its highest branches, and historical subjects, for which his wonderful memory especially fitted him. He could give the exact date of almost any historical fact. His manner was abrupt in all things, and he would never stoop to any of those subterfuges whereby men seek to improve upon the work of their maker. He would never espouse a wrong cause or questionable position, or engage in fallacious argument. He never pretended to know a thing when he did not; it is your weak minds only that do that; those not sure of their footing, or who deal in the intangible rather than the real. His success at the bar came to him, not as one skilled in the art of oratory, but as one who, from a mind stored with the riches of a varied learning, drew upon its vast resources for convincing reasoning and logical demonstration. His intellectual powers were manifested in a clear understanding which delighted in accurate knowledge, and penetrated the relation of things; from a wide and extensive knowledge of facts and precedents, he drew perpetual principles. Belief here, as everywhere, must be based on evidence appealing to reason, not impulse feeding the imagination. The spiritual, the intangible, lying as it does beyond the domain of real knowledge, in a realm of the imagination, to a mind delighting only in the accurate and demonstrable, has no meaning. To him who thus reasons, there is no supernatural; hence, we find in him strong materialistic views, holding little sympathy with the speculations and sophisms of theology, but delighting in the interpretation of nature. And if, as has been said of him, with all his intellectual power of discrimination, he could not enter into the mind of Socrates and St John, it may have been the fault of Socrates and St John, rather than his own; for their flights of fancy were wont to carry them where no sane mind could follow, and if to live the life of the crucified be better than to simply wear the ideal as an ornament about the neck, then is this man's life a lesson to all prating priests. It must ever be a source of regret that the treasures of a mind so rich as this man's was were never known to the literary world.

Mr Treadwell remained in San Francisco, California, twenty-six years, till his death in that city on

December 27, 1884. He practised law up to the later years of his life, until deterred by ill health. At times he would manifest an apparent indifference to money, leaving dividends and interest uncollected for years. As an instance showing this, it is related that upon the return of a friend from the city of Washington, where he had discovered at the treasury a large amount of uncollected interest on bonds to Mr Treadwell's credit, and who informed him thereof, that Treadwell indignantly demanded of him, "Why, sir, do you think I don't know where my money is?"

He had inherited from his father, his great rich voice, which could be heard clearly for almost half a mile, on an open field. His bravery, which had characterized his youth, was always a strong element in his nature. He was a light sleeper and of keen hearing. The slightest movement or noise in his presence would awaken him. He would rarely permit his outer or inner door to be locked at night, though his habit was to keep valuables and large sums of money about him.

A portion of his large property, consisting of about ten blocks of land now nearly in the heart of the city, and in the vicinity of Golden Gate park, valued at about half a million dollars, has been in litigation since 1866, under a squatter's claim, itself one of the many bold conspiracies connected with land in the litigations of California.

On the 14th of April, 1873, Mr Treadwell married Miss Mabel Summers, daughter of Henry Summers, who came to California about 1850 and died in Florence, Arizona, July 15, 1881. Henry Summers was a son of Jesse Summers, who was a Virginian, some of the Summers family settling in Virginia and some in Kentucky. The grandfather of Jesse Summers was a Hollander, a descendant of the nobility. Jesse Summers' father was a volunteer at the age of sixteen, in the revolutionary war. Hiram B. Summers, a brother of Henry, was also an early Californian, and afterwards a resident of Arizona territory, where he practised law and was district attorney for Pinal county. Henry and Hiram were the only members of the family who came to California. Another brother married a sister of Ben Holliday, prominent on the Pacific coast.

Mrs Treadwell's mother was a woman of much personal beauty, which she preserved to a great degree up to her death in 1888. She was the daughter of John Hutchinson, a substantial farmer identified with the stock raising interest in Virginia, of which state he was a native. He moved with his family from his native state to the city of Philadelphia, for the purpose of receiving the advantages of that metropolis for his family, and especially in the interest of his daughter who had been an invalid from girlhood. From this state the family came to California, crossing the plains in 1851, and located in Sacramento county, where Mr Hutchinson engaged in agricultural pursuits.

Mrs Treadwell was born in California and educated in the convent schools of Portland and Salem, Oregon. She is a woman of much refinement, delicate, but of marked individuality, independent, and possessing much business tact and ability. Having married Mr Treadwell when just emerging from her teens, she has developed in a measured degree, many of the strong characteristics of her husband. She has managed and controlled her husband's large estate, practically unaided since his death. The issue of this marriage was six children ; Cynthia M., Maud, Thalia, James Parker, Ivan, and Parthenia. Cynthia M. and Parthenia have been removed by death, and the four surviving children each possess some of the strong traits of their talented father. Maud is like her father, a great reader, which she was, from a very early age; even when a child, sitting in her father's office, absorbed in a book for hours at a time. Thalia is of an artistic temperament, being especially fond of painting and drawing, for which she already shows much talent. She is fond of studying the characteristics of animals. She thinks a cow has kindly expression in the eye; and even in the face of the lion she can see, like Rosa Bonheur, a depth of soft expression. Don't they love their tender young as dearly as the most gentle of God's creatures?

James Parker inherits his father's excellent memory and love of history. He often declares that he does not know whether he will be like his father, a lawyer, or a historian; for he believes that great historians are more rare than great lawyers.

Ivan's qualities as a child are great good nature and judgment.

All will agree that James Parker Treadwell was no ordinary man. The coming and going to and from this planet of such an intellect is the one great unsolved mystery of the universe. Know we this, how and wherefore, and we know all things. That a mind like his should belong to a religionist is not possible; it would not be his mind. He loved truth and spoke only what he knew, and sought not to deceive any. He was an inspiration of the new civilization, a messiah of the new dispensation.

CHAPTER VIII.

LIFE OF ORVILLE C. PRATT.

The Bar and Judiciary of the Pacific Coast—Nativity and Education—At West Point—Legal Studies—In Practice at Rochester—At Galena—Mission to Oregon—Incidents of the Journey—Shipwrecked—Supreme Court Judge—The Whitman Massacre Case—Other Trials—The Location Controversy—Judicial Career in California—Decision—Business Transactions—Marriage—Character.

It is but doing scant justice to the bar and judiciary of the Pacific coast to say that among their members is a large proportion of men whose learning and ability would do credit to older and more settled communities. Many there are whose knowledge and correct appplication of the principles of law,and whose lucid method of presenting the most difficult and complex questions, with clearness and fullness of illustration, are worthy of the great legal luminaries whose career in the eastern states has won for them a world-wide reputation. As a rule it is at the bar, rather than on the bench, that we look for the highest order of talent, the annual stipend even of a supreme court judge being less than the amount often earned in a single month, and at times even in a single day, by several of our leading practitioners. But to this there are exceptions; for in the ranks of the judiciary there are and have been several who, though assured of a lucrative practice at the bar, preferred from high and most worthy motives, as from a sense of public duty, or to gratify an honorable ambition, to accept such laborious and ill-remunerated positions. Among the more prominent instances may be mentioned that of a former judge of the twelfth judicial district court of the city and county of San Francisco, the Honorable Orville C. Pratt; and it is no injustice either to the living or the dead to say that in the most essential qualities, whether of a judge or an advocate, in strength of memory, combination and analysis of facts, in power of close, logical reasoning, in command of appropriate language, and in knowledge not only of the law but of men and of the world, he had few equals and no superiors among his contemporaries. While introducing to the reader a sketch of this gentleman's career, it may here be further stated that he was one of the earliest and most able judges of the United States territorial, district, and supreme courts, of Oregon, of which state he is also a pioneer, one of that famous band of whom it has been well said, as of the Pilgrim Fathers, that "they builded better than they knew."

The judge was born in Ontario county, New York, on the 24th of April 1819, and received his earlier eduction at Rushville, in that county, where the public schools then ranked among the best in the state. The training thus acquired, extending from the primary to the high school grades, was further supplemented by a course of classics and mathematics at two local academies, and thus, before reaching his seventeenth year, he was not only well versed in those branches, but had become a thorough English scholar. His tastes and ability inclined, however, to the mathematics, in which he displayed a remarkable proficiency, making himself master of several branches of that science, including those necessary to the study of its highest departments.

In connection with his school career an incident may be mentioned that will serve to display in its strongest light the confidence and esteem which his ability, zeal, and earnestness of purpose had already won for him in the community. In the winter of 1835, a law having been passed by the New York legislature donating the sum of twenty dollars to all common school districts which subscribed a similar amount toward the nucleus of a school library, after discussing the matter with a distinguished clergyman of Albany, named E. N. Kirk, he so impressed him and others with his clearness and force of argument, as well as his fervid and unselfish enthusiasm in the cause of education, that it was resolved to secure his services as a public advocate. To this end Mr Kirk secured the coöperation, among others, of James Wadsworth of Geneseo—the father of General Wadsworth who fell at Gettysburg—a gentleman whose wealth and family connections placed him among the most prominent men in the state. The ability and faithfulness with which Mr Pratt fulfilled his mission, may be judged from the fact that he delivered addresses in each township in the counties of Livingston, Monroe, and Erie, discussing elaborately the entire question, and succeeding in every instance in establishing a good library in each of the several districts. That an inexperienced youth should thus have been selected for a task worthy of a mature and practised speaker, and should have carried it to a successful issue, was a public service to which the judge looks back with more of becoming pride than to all his forensic triumphs.

Soon afterward he received from President Jackson an appointment to a cadetship in the United States Military academy at West Point, which he entered as a member of the class of 1837. At that date, it will be remembered, such positions were not bestowed as the result of competitive examinations, nor did the members of his family possess any special political influence;

hence the nomination may be considered as a recognition of the young man's ability and strength of character, and of his promise of future usefulness. He remained at West Point for two years, and ranked, both in conduct and studies, among the first in his class, although for military studies, except when connected with the higher mathematics, he had but little taste. His ambition was to be a lawyer, and to that end he had begun to prepare himself even before his appointment. In the army at that date there was little chance of perferment, the country being at peace, a peace then unclouded by any symptom of the storm which a few years later swept with the fury of a tornado through the fairest portions of the union. For a military man the only prospect was to pass the best years of life at some frontier post, or perhaps to lose it in some petty encounter with savages. Such a career could not satisfy the earnest strivings of his nature; for with his talents and ambition he thought himself fitted for some wider and more useful sphere. Moreover, his father had met with reverses, and being past middle age, would not be able much longer to support his family in comfort. To Orville, as the eldest son, its members would look for aid, and assuredly they must not look in vain. He resolved, therefore, to go forth into the world and earn for himself a name and a fortune, or at least he would attempt it, and that at once. His resignation followed, and thus did his country loose a good soldier, while gaining the services of one of the most able among her many eminent lawyers and jurists. Had he remained in the army he would doubtless have risen to high rank, as did many of his fellow-cadets; among them generals Sherman, McDowell, Reynolds, Hooker, Halleck, Ord, Rosecrans, Lyon, Pope, Buell, and of the confederates, Longstreet and Beauregard.

Among his friends and relatives was a distinguished jurist, named Samuel Stevens, then one of the leaders of the Albany bar, and, at the invitation of that gentleman, who had observed his fitness for the legal profession, he entered his chambers as a student, and was admitted two years later to practise in the supreme court of the state of New York. Then at the age of twenty-one he began his professional career, opening an office in Rochester, where clients were not slow to recognize his abilities.

It was the year 1840, the year of the great presidential campaign, perhaps the greatest that ever occurred in the political history of the United States, when charges of extravagance and corruption were freely preferred against the administration of President Van Buren, who, however, in his last annual message, answered them with becoming pride by declaring the country free from debt. During this canvass he took an active part in supporting the great democratic leader, who was again the nominee of his party, and addressed large audiences in the western counties of New York; thus introducing himself to the public, and acquiring the self-possession and presence of mind essential to success in the legal profession.

Already he was widely recognized as a man of strong character and brilliant promise, one whose natural gifts were supplemented by unusual application and power of work. Among those to whom such qualities recommended him, was Fletcher M. Haight, one of the leading practitioners in Rochester, and the father of H. H. Haight, afterward governor of California. By that gentleman he was taken into partnership, and under the firm name of Haight & Pratt the business was successfully conducted until the former, after the decease of his wife in 1842, to whom he was tenderly devoted, withdrew from the connection and the scene of his affliction.

For most men the position to which he had attained thus early, with a fair practice and prospects of the brightest, would have been sufficient inducement to remain in the city where he was so well appreciated, but not so with Mr Pratt. At that date the attention of many men was directed towards the west, as the land where states and commonwealths would spring into being as at the touch of a magic wand. Himself a man of sanguine and fearless temperament, he resolved to be in the van of those daring and adventurous spirits who were already pushing forward into that unknown and mysterious region. But this he could not do at once, since, for the time being, he must live by his profession, and as yet the far west was little better than a primeval solitude.

Toward the close of 1843, therefore, we find him at Galena, Illinois, where he opened an office and speedily acquired a lucrative practice. To this point his fame as a public speaker had already preceded him, and on the 8th of January 1844, at a meeting held on the anniversary of the battle of New Orleans, he delivered an address which so moved the hearts and appealed to the judgment of his hearers as to attract the attention of the most prominent men in the community. In the same year, after the nomination of Polk for the presidency, his services as a public speaker were again in demand; and during the campaign which followed, he ably canvassed several counties in northern Illinois, his speeches attracting the attention not only of the democratic leaders of the state but even of the successful candidate in that exciting contest.

The Texas question and boundary question were the chief issues, involving, as they did, the proposed annexation of Texas, and the controversy then pending with Great Britain as to the possession of Oregon. By his familiarity with the points involved, and the skill and force with which he discussed them, the young lawyer rendered valuable service to his party, and at the same time gained for himself still wider and more favorable recognition.

Perhaps the best evidence of the esteem in which he was held by the community was his election in 1847 to the convention which revised the first constitution of Illinois. He was one of the youngest, if not the youngest, member of that body, which contained, perhaps, more men of note than had ever before been assembled in any portion of the state. Among them were Stephen T. Logan, the then law-partner of Abraham Lincoln, and David Davis, afterward associate-justice of the United States supreme court, and later president of the senate. In all its deliberations, extending over a session of three months, he took an active part, and especially on questions of suffrage and finance, as to which many of his suggestions were adopted by his colleagues.

After its close he was appointed by W. L. Marcy, then secretary of war and formerly governor of New York, to whom in former years he had rendered service by aiding in the suppression of a local riot in the county of Albany, one of a commission to investigate certain charges against an army officer stationed at Mann's fort on the Arkansas river, and who later became governor of Colorado. He accepted and went there. In support of the charges no sufficient evidence was produced, and soon after forwarding the commissioner's report to that effect, he received at the hands of the courier, Kit Carson, a despatch from the war department, requesting him to proceed to Mexico, California, and Oregon, there to inquire into and report upon certain matters of a confidential nature. He then set forth for Santa Fé, and thence with an escort of sixteen men, furnished by the general-in-command, among them being the adventurous negro, Jim Beckwith, whose name was later given to the Beckwith pass, journeyed to Los Angeles by way of the San Juan, Grand, and Green rivers, over the Wasatch mountains, and through the Utah valley and Cajon pass, into California. It was well for the expedition that it had as its leader a man of his practical experience and military training; for during the trip were encountered all the dangers and hardships incidental to pioneer days, when, from the valley of the Platte to the vales of California the route was attended by a continuous struggle with the obstacles of nature and the hostility of savages.

From Los Angeles, where his party first heard of the discovery of gold at Coloma, near the American river, he proceeded to Monterey, and transacted with the United States consul a portion of the confidential business with which he had been entrusted. There he met with generals, or as they then ranked, lieutenants Halleck, Sherman, and Ord, his fellow-cadets at West Point. His business completed he left for San José, where he arrived about the middle of November, and at the request of its leading citizens addressed a public meeting, called to consider the question of establishing a provisional government until congress should take action in the premises. This was the first meeting called to obtain an expression of public sentiment on the matter; the resolutions passed on that occasion were afterward endorsed in San Francisco, Monterey and Sacramento, and were followed by a call for a convention, made by order of the then military governor, General Riley.

From San José he proceeded to San Francisco, or as it was then called Yerba Buena, at that date a village of only three or four hundred inhabitants, with a few score huts and adobe houses clustering around the neighborhood of Portsmouth Square.

It was now the time when the first large consignment of gold was arriving from the mines and all was bustle and confusion. Men clad in greasy buckskin garments, with pockets filled with gold-dust and nuggets, were to be seen on every street, discoursing to crowds of eager listeners of the fabulous wealth that lay almost on the surface of the ground, and within reach of all. Gambling was in full blast, and the gambling-tables were heaped with gold, of which everyone seemed to possess an abundance, and which was squandered for the gratification of every whim, caprice and vice, with but slight restraint and almost without sense of responsibility. Merchants were busy packing and forwarding goods to the mines, for which, in the absence of coined money, gold-dust was taken in exchange at $14 per ounce. In a word, the gold fever had now fairly set in, and was destined to culminate in an excitement such as the world has never witnessed before or since.

But with all this Mr Pratt was not concerned. His destination was Oregon, of which territory he had been appointed by President Polk, in recognition of his services as confidential agent of the government, an associate justice of its supreme and district courts. Early in December he took passage for Portland on the barque *Undine*. During the trip an incident occurred which serves to show that he possesses in no small degree what may be termed the genius of observation, which, as Balzac would have us believe, constitutes about all the genius of mankind. After a long and stormy passage, the vessel reached the mouth of the Columbia toward nightfall on the twenty-sixth day of the voyage. There were none on board who were acquainted with the navigation of the river, the entrance to which was and still is the terror even of experienced navigators. Deeming it unsafe to attempt the crossing of the bar at so late an hour, the captain put off to sea until the following day; and, meanwhile, after having carefully scanned the mouth of the river and the adjacent coast, the judge had prepared a small chart of the entrance, and had marked thereon several of the more prominent points, such as Saddle mountain, Point Adams, and Cape Disappointment. On the following day, as the barque neared land, he showed his drawing to the captain, remarking as he did so, "If we were at the mouth of the Columbia last night, we are certainly not there now." The latter paid little attention to the warning, and after some further discussion, the judge went below. Now came up a storm, and with it an atmosphere so dense that it was impossible to see more than a few rods ahead. Soon afterward the vessel struck thrice on a sand-bar, but the third time lightly, and through good-fortune was driven by the strength of the wind into the deep water beyond. At length the captain admitted that he was not at the mouth of the Columbia; he had unwittingly entered what is at present known as Shoalwater bay, his being the first vessel that ever entered its waters.

The ship was temporarily abandoned, and her crew and passengers formed into two parties, one of which set forth northward toward Puget sound, suffering severely from frost and snow, and the other under the direction of Judge Pratt, who was chosen its leader by common consent, followed the coast line to Cape Disappointment, crossing thence in canoes to Astoria, and finally reaching Portland in safety.

At that time the people of Oregon were in a most unsettled condition. A large portion of the able-bodied men had left for the gold mines of California, and in the small settlements there was constant fear of Indian depredations. Late in the previous autumn had occurred the massacre at Waiilatpu, whereby the missionary Whitman and his wife, with eleven others, had lost their lives; and as this atrocious deed then remained unpunished the settlers were in constant dread that at any moment further outrages might be committed. There were no soldiers in the territory, and but the scantiest supply of arms and ammunition. Farms and villages were few and wide apart, and throughout the land prevailed a general feeling of insecurity. Such was Oregon and its inhabitants when the judge cast in his lot in that territory, and accepted from considerations of duty, rather than for its honor or emoluments, the office of associate-judge at a salary of $2,000 a year, an amount far less than could be earned on this coast at the time, by a mechanic or unskilled laborer, and far below the annual income which he could have earned by the practice of his profession in California. He was, moreover, the pioneer judge of Oregon, as his colleagues, though appointed, had not yet arrived. The country was newly settled and its condition such as had never before been experienced. There was not in all the territory a law library, and apart from his own small collection, there were probably not half a dozen law books. Thus he was compelled to decide the legal questions at issue as they came before him, without the aid of authorities or precedents. Few of his decisions were ever appealed from, largely because his broad comprehension and knowledge of the principles of law, and his judicial turn of mind inspired a general belief in his ability, and determination to do justice to the rights of litigants.

Toward the close of 1848 General Joseph Lane, the first governor, arrived in Oregon, and in the following March entered upon his duties and organized the territorial government, Judge Pratt and the governor being the only officials appointed by the president, who were as yet at their post. Later in the same month, Chief-Justice William P. Bryant reached Oregon City, where Judge Pratt and the governor resided, and where, through a special act, passed by the first legislative assembly, was afterward held the first session of the supreme court of Oregon, and indeed the first judicial tribunal legally organized on the Pacific coast. At that session judges Bryant and Pratt were its only members, and on the meeting of the first legislature the latter administered the oath of office to its members, and helped to set in motion the machinery of government.

Within a few months the chief justice tendered his resignation on account of ill health, returned to Indiana, his native state, where soon afterward occurred his decease. Meanwhile Peter H. Burnett, who had been appointed associate judge, declined to accept the position, having obtained more lucrative employment in California. Thus for nearly two years, until the arrival of their successors, the powers and duties of the judiciary were practically vested in and solely exercised by Judge Pratt, who, during that period, not only held all the terms of court in his own district, but also several of those that should have been held by the chief justice, and meanwhile organized the circuit and district courts in most of the counties of Oregon.

During this interval he tried many important cases, both civil and criminal. Among them was the famous trial at Oregon City, in May 1850, of five of the Indian chiefs implicated in the Whitman massacre. By one of their counsel, Knitzing Pritchette, who was also territorial secretary, a special plea was entered to the jurisdiction of the court, on the ground that at the date of the massacre the laws of the United States had not been extended over Oregon; and further, that the killing had occurred before the organization of the territory, or of any tribunal having jurisdiction to try the offence, the present one having been created by the organic act of August 14, 1848, a date ulterior to that of the massacre. The court ruled, however, that under the provisions of the act of congress dated June 30, 1834, and other United States laws framed for the purpose of promoting trade and intercourse with the Indian tribes, and preserving peace on the frontiers, declaring all of the territory of the United States west of the Mississippi and not within the borders of any state to be within the Indian country, Oregon must be regarded at the date of the massacre, November 1847, as Indian territory. Moreover, as the treaty with Great Britain in 1846 had ceded to the United States all of Oregon south of the forty-ninth parallel, it followed that under the provisions of the United States laws in force in the ceded Indian territory, crimes committed therein were punishable by the proper United States tribunal, whether established before or after the offence. The facts alleged in the indictment were sufficient to show that a crime had been committed under the laws in force at the place of its commission; and the subsequent creation of a court in which the guilt or innocence of the defendants could be determined was immaterial, and could not deprive it of jurisdiction. Such legislation was not in its purpose or effects to make an act a crime which at the time of its commission was innocent, but simply remedial, to enable a previously committed offence to be punished. Exception was taken to this ruling, the trial proceeded, and the men were convicted, and sentenced to be hung, the day appointed for the execution being the 3d of June. Between the time of their conviction and the date fixed for execution the governor was absent from Oregon City, and, as was rumored, visited the mines near Yreka, in northern California. Thereupon Secretary Pritchette, whose intemperate habits too often clouded his better judgment, announced that, as acting governor under the provisions of the organic act, he would grant a reprieve, pending an appeal to the supreme court at Washington. On this announcement the utmost exasperation prevailed among the people, who had assembled from all the country around to witness the execution. There were as yet no jails in the territory, and the convicted chiefs were kept under guard on an adjacent island, the bridge connecting it with the mainland being held by a detachment of riflemen. It was feared that they might escape if the secretary carried out his intention, and the greatest indignation was expressed at the mere suggestion of such a possibility. In the midst of the excitement the United States marshal called on Judge Pratt for instructions as to the course he should take in case of the secretary's interference. The judge promptly answered, "That as there was no official evidence of the governor's absence from the territory, all proceedings on the part of Secretary Pritchette should be disregarded." On hearing this the acting governor abstained from taking further measures; the execution took place, and the popular agitation at once subsided.

During the trial, at which from four to five hundred spectators were present, watching the proceedings with intense anxiety, there prevailed all the decorum and solemnity of a religious service; and yet no one, save those who are familiar with the condition of affairs and the tone of public sentiment then prevailing, can realize the interest displayed by the entire community on this memorable occasion. The possibility that the assassins might escape through some technicality was sufficient to arouse a cry of vengeance throughout the land. Had they been discharged from custody, or even had their execution been postponed, they would probably have been hanged, or more likely torn to pieces by an infuriated populace. Then would have followed, by way of retribution, a massacre by the Indians of many of the settlers and their families throughout the Willamette valley, and the scenes that were likely to ensue are beyond the power of language to describe. Through the firm attitude of Judge Pratt in this trying crisis, his coolness and determination, and his quick and clear grasp of the situation, such a catastrophe was averted. In this, as in other instances, it was conceded that he possessed in a marked degree the qualities needed to uphold and enforce the administration of justice among a border community, unaccustomed to the restraints of society and statutory law. Indeed, throughout his entire judicial career, his position was firm, dignified, and fearless, and his entire course of action was not only commended by the people, but emphatically approved by the government.

In those pioneer days the administration of justice in Oregon was marked by many peculiarities. As an instance may be mentioned a trial at Astoria of a man named McGunnigle, who had been indicted by the grand jury for selling liquor to Indians. After being convicted and sentenced by Judge Pratt to pay a fine of $500, and in default committed to the custody of the United States marshal, it was soon afterward reported that the prisoner had made his escape. Now it chanced that both the prisoner and the marshal lived and cohabited with Indian women, and were the fathers of several half-breed children. This circumstance, coupled with the speedy escape of McGunnigle, aroused the judge's suspicions, and as the event proved not without reason. While during the afternoon recess of the court, he was strolling through the edge of the woods on the bank of the Columbia, he heard a rustling in the brush near by, and looking in that direction, observed two men cautiously making their way to the river bank, where a canoe awaited their arrival. One of the men was McGunnigle, and the other the foreman of the grand jury which had found the indictment. The judge hailed them instantly and ordered them to stop; whereupon the grand juror took to the brushwood, and McGunnigle, deeming discretion the better part of valor, meekly surrendered, and returning with the judge to the courtroom, was retained into custody until he had paid his fine.

By Judge Pratt was held at Portland in 1849 the first court of admiralty within the present limits of Oregon and California, and during its session the French barque *L'Etoile du Matin*, having been libeled, was condemned and ordered to be sold. Congress having conferred on the judges of the United States supreme court of Oregon admiralty jurisdiction in California, in the winter of 1849–50, by request of the secretary of the treasury, he consulted with the collector of customs in San Francisco as to the frequent violation of the revenue laws, and there, also, assisted in the adjustment of several admiralty cases.

In August 1850 John P. Gains, who was the newly appointed governor, arrived in Oregon, and with him Judge William Strong, the successor of Burnett for the third district; Thomas Nelson, the chief justice, being delayed until April 1851. Soon afterward began the famous "location controversy" of 1851–2, the matter at issue being the selection of the capital, a question which caused intense excitement throughout the territory. From the party which vindicated the rights of the people during this memorable struggle, were early chosen the political leaders of Oregon; and to Judge Pratt, on whom largely rested, as the sequel disclosed, the determination of the legal questions involved, was accorded by the consent of all the credit of coming boldly forward as the people's champion. But to explain clearly the nature and origin of this dispute a brief digression will be necessary.

In 1844 it was enacted by the then provisional legislature of Oregon, that the statutes of Iowa, passed at the first session of its legislature in 1838 as amended in 1843, together with the common law of England and the principles of equity, should become the laws of the territory, so far as the former were compatible with the conditions and circumstances of the country. Of the revised statutes of Iowa, several copies had been brought into the country by the immigrants of 1844–5; and at the first session of the territorial legislature held in 1849 an act was passed whereby seventy-two of these Iowa statutes, afterward published in the form of "blue books," were declared to be the laws of Oregon.

In the following year the latter territorial act was publicly declared by the then United States district attorney, Amory Holbrook, to be void, on the ground that it conflicted with a clause in the organic act which provided that, "to avoid improper influences which may result from intermixing in one and the same act, such things as have no proper relation to each other, every law shall embrace but one subject, and that shall be expressed in the title." By Judge Pratt, while he was the only judge in the territory, no attention was paid to Holbrook's dictum; but by the new officials a different opinion was held, and during the next session of the legislature, which was composed largely of democrats, a fierce antagonism between its members and the newcomers, was developed. On the 1st of February 1851 an act was passed by that body to provide for a selection of sites for the public buildings of the territory, and the seat of government was located at Salem, with the penitentiary at Portland and the university at Corvallis. Two days afterward the governor forwarded a message declaring the act invalid on the ground that it embraced more than one subject, and was obnoxious to the inhibitions of the organic act. He must therefore refuse to sanction the expenditure of the money appropriated for the erection of public buildings.

Although the governor did not possess the veto power, his decision had virtually the effect of a veto, and was deeply resented by a majority not ouly of the members of the legislature but of the constituencies which they represented. Moreover, it was generally believed that his interference was caused, not on the ground alleged, but by his reluctance to abandon Oregon City, where he was already comfortable quartered, for the remote village of Salem. Before the next session of the legislature the subject was widely discussed, and it soon became evident that a majority of the members would assemble at Salem, which was then much nearer the centre of population than Oregon City; for at that date nine-tenths of the entire inhabitants were settled in the Willamette valley. It was also understood that judges Nelson and Strong, with most of the federal officials, including the governor, would assume the location act to be invalid in advance of its adjudication, regard Oregon City as the seat of government, and officially act accordingly.

Judge Pratt was the only one who expressed a contrary view, insisting that the act was presumptively valid, and should officially be so treated until it was otherwise adjudged. By him it was urged that the location of the seat of government was exclusively in the hands of the legislative assembly, as declared in section 15 of the organic act, which provided that "the legislative assembly of the territory of Oregon shall hold its first session at such time and place in said territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the legislative assembly shall proceed to locate and establish the seat of government for said territory, at such place as they may deem eligible." Thus it was clear that, while the governor could convene the first session of that body at whatever place he chose, as he had already done, he had no authority thereafter in locating the territorial capital. The three departments of government, legislative, judicial, and executive, were entirely distinct and independent of each other, and each must look for the measure of its respective powers to the express provisions of the organic law. Each one, while sovereign within its own province, must keep within its proper sphere, and in case of a conflict between them, whether caused by a disregard of the organic law or through usurpation by one of authority belonging to another, the rightful remedy was not vested in the executive, but in the judicial power, when acting as a court at a legal time and place. The organic law was the basis of all legislative and executive powers, and if its imperative provisions were disregarded in any act of the legislature, such act could and would be determined to be null and void on adjudication. But because some particular law was deemed null and void by one or more of the judges, who did not constitute a tribunal with legal authority to pass upon it, such opinion did not make it so, for only through the judgment of a competent court could its nullity be adjudged.

Into this controversy all the judges were drawn, and from it arose many complications, through the interference by judges Strong and Nelson with the process and judicial powers of Judge Pratt, so that finally it became almost impossible to maintain the rightful authority of either of the courts or their judges. On the 1st of December 1851 judges Strong and Nelson assumed to open and hold a term of the supreme court at Oregon City, in advance of any adjudication of the invalidity of the location act, which with other laws required such session to be held at Salem, the then territorial capital. At the same time the members of the legislature, with five exceptions, under the presumption of the validity of the location law, opened their session at Salem, and soon afterward, in compliance with a legislative resolution and request, Judge Pratt delivered an official opinion on the legality of the location act, in which he ably sustained it, declaring that the place of their then session was legal, and that all acts which might be passed, if in accordance with the organic law, would be valid so far as the place of enactment was involved, because the act locating the territorial seat of government was presumptively valid; that it was not void, and could be only so treated after being legally so adjudged, which had not been done. By the other judges a different opinion was, of course, expressed, and meanwhile the governor gave notice that he would pay no attention to the enactments passed by the "Salem legislature." Thus a state of confusion and uncertainty prevailed throughout the territory, and it was generally feared that scenes of disorder and lawlessness would ensue.

In order to prevent judicial interference with the measures of the legislature, an act was passed limiting Judge Nelson's district to the county of Clackamas, and so appointing the several terms of the district courts and the judges to hold them, in all the counties south of the Columbia river except Clackamas, that all of them came within Judge Pratt's district. Judge Strong's district, however, was left north of the Columbia. When, in disregard of this act, Judge Nelson afterward repaired to Salem, in Judge Pratt's new district, for the purpose of holding court in Marion county, he was met by a committee of its citizens, who informed him that a session had just been holden by Judge Pratt, in conformity with law, and that if he disregarded it, the town would neither afford him food nor shelter. Thereupon the chief justice promptly left, and returned to Oregon City.

Soon afterward a memorial to congress was passed by the legislative assembly, expressing in the strongest terms the popular view of the controversy, earnestly deprecating the appointment of strangers and non-residents to federal offices, and requesting that the people of the territory be allowed to designate by popular vote, and from the residents of Oregon, their governor, secretary, and judges. This memorial was approved by the judgment of the people, and did much to influence them against "imported federal officials," as the men were termed who had opposed the location act. By almost the entire community this act was upheld, not only on legal but local and personal grounds; and, in fact, it became practically valid through the sheer force of public opinion, largely created, as was conceded at the time, by the ability, tact, and reputation of Judge Pratt. Finally, on the 4th of May 1852, congress removed all doubts on the subject by passing almost unanimously an act approving and ratifying the legislative location of the territorial capital at Salem, together with the subsequent session of the legislature there, and the laws enacted by it. Soon afterward judges Nelson and Strong were removed from office by the president, and to Judge Pratt, who was the champion of the legislature and of the location act, and although the youngest of the officials had taken a leading part in the contest, was awarded the palm of victory.

Thus we have traced the leading incidents in the judge's official career in Oregon, from the time when the first court established in that territory, or even on the Pacific coast, under the authority of the United

States, was held by him at Lafayette, the county seat of Yamhill, in September 1849. There lies before me the old paper docket of the circuit court of the provisional government for the county, with the disposition then made by him of the several cases which he found thereon, entered in his neat and striking hand in the "Remarks" column of the docket, and signed "O. C. Pratt, judge." From that date until the spring of 1853 he served as judge in Oregon with ability and distinction.

The value of his services to Oregon was not in the number of cases tried before him, nor the amount involved therein, so much as their character and the circumstances under which they arose and were disposed of. His judicial career covered a formative period in the history of the country, when precedents were not so much followed as made. In this work of blazing the line and marking the corners of the law, in a yet unformed community, he did much during his few years on the bench and did it well.

With a large and varied knowledge of human affairs and pursuits, and an active, analytic mind, he readily comprehended the merits of a controversy, and had a correct perception of the facts involved in it and of their relative value. For want of this clearness of perception many decisions of learned judges fall short or wide of the mark ; but Judge Pratt being usually right in his premises, seldom erred as to the law arising thereon.

His industry and punctuality in the discharge of his public duties, as well as in his private affairs, were exceptional. His court, however plain or primitive the room or its appointments, would compare favorably in dignity and decorum with any in the land. In this respect the state of Oregon owes him much. The example has borne good fruit, the evidence of which may still be seen in the deference paid throughout the country to judicial tribunals and proceedings.

In person and manner he was extremely neat and polite, and his demeanor generally was in striking and favorable contrast with that of many public men in new countries, who seem to think that the road to popular favor lies through coarseness and vulgarity.

As a lawyer he had a vigorous grasp on the elementary principles of the science of the law, which enabled him without books or the suggestions of learned counsel, rightfully and readily to solve the often singular and original problems involved in the application of established rules and maxims to the new and unprecedented social and economic conditions and combinations then existing in Oregon.

As a token of the appreciation of his judicial career in Oregon, it may be mentioned that in 1886 the regents of the university of Oregon conferred on him the honorary degree of doctor of laws—the only honory degree that has ever been bestowed by that institution.

In his annual report for that year the president of the board of regents remarked that "the propriety of conferring the honor was so apparent as to be generally recognized and acknowledged," and added, "speaking for myself, I do not hesitate to say, that Oregon is much indebted to him for the diligent and faithful discharge of the duties of his high office, at a period when foundations were being laid and precedents established, and the firm and impartial hand with which he administered the law and upheld the dignity and authority of the courts of justice, in the formation period of our career as a political and social community."

Ever since his arrival on the Pacific coast the judge had conceived a strong preference for California as a permanent home, and it was only the duties of his office and private interests which had so long delayed his change of residence. By his friends—and he had formed many strong and lasting friendships among the most prominent of Oregon's inhabitants—he was urgently importuned to abandon his purpose; but in vain was importunity, as well as numerous promises of many of the most influential men to do all in their power to secure his election as United States senator when the territory should be admitted into the union. In June 1856 he removed to San Francisco, where he formed a partnership for three years with Alexander Campbell, senior, who had been a leading practitioner in the courts of Oregon over which the judge had presided. The firm soon acquired an extensive and lucrative practice, more especially in land cases, for the conduct of which, as will presently appear, one of its members was especially qualified.

At the end of the copartnership the connection was dissolved, and Mr Pratt was afterward elected judge of the twelfth judicial district court for the city and county of San Francisco and the county of San Mateo. During his six years' tenure of office he was called upon to decide a large number of important cases, involving great and varied interests; and in his decisions litigants generally acquiesced, knowing that his determinations were founded on a careful and conscientious study and interpretation of the law, while his reputation for integrity and scrupulous regard for justice was beyond dispute. Perhaps his ability was displayed to the best advantage in the decision of land cases, in which his powers of analysis and elucidation in weighing and applying every point of the law and evidence appropriately, thereby dispelling the vague uncertainty then attached to most land titles, caused his decisions to be regarded by many as classics of the law in such cases.

Of these decisions one or two instances must suffice. In the case of Mayo *vs.* Andrews et al., the action being to recover certain lots in Sacramento city, and the source of title through which both parties claimed being two grants made to John A. Sutter by the Mexican government, and afterwards confirmed by United States patent, the questions decided by him involved and settled the validity of the Sutter title to more than a thousand homes in the city of Sacramento and its vicinity. It was rendered on the 14th of June 1869, and was regarded by the legal profession and the general public as having removed a cloud which had long obscured and impaired Sacramento titles, to the great injury of owners. Its remarkable clearness of statement and cogency of reasoning were observed and conceded by all interested. As to the description or location of the granted lands—one of the main points at issue—he thus expressed himself: "That which is particularly referred to and set forth as a description of lands in a grant or patent always controls; and if any repugnance is found between a general description and a particular one, the former must yield to the latter. . . This particular description, although found in documents referred to and distinct from the grant itself, nevertheless forms a part of it, and must be looked to for knowledge to determine what was intended to be conveyed."

After defining the limits of the grant, he continues: "In construing a description of land delineated on a plan or map, which has marked thereon fixed and determined objects, together with indicated courses and distances, determinable only by measurement or mathematical calculation, it is obvious that what is fixed and determined must control that which, not being settled, remains indeterminate. In other words, visible objects on lands, when named or delineated as calls in descriptions thereof, must of necessity control all supposed points, lines, courses, and distances. Of such are indicated parallels of latitude, for being, as they are, imaginary, and only accurately determinable as distances from the equatorial line as their base by correct astronomical observations and computation of numbers, they may or may not be properly delineated on a plan or map in any given case, where referred to as means to admeasure any portion of the earth's surface. Therefore, whether such lines so laid down are true or otherwise is entirely immaterial, provided always that the fixed calls or monuments in a description are certain and sufficient to locate the described lands, independently of the named and supposed lines of latitude." Thus clearly did the judge lay down principles which set at rest the title to property valued at many millions of dollars.

In the case of W. W. Johnston et al. *vs.* The Board of Supervisors of San Francisco, the proceedings being in equity, he rendered a most important decision on pueblo lands. It was admitted that the title to the lands was vested in the municipal corporation, over the affairs of which the defendants exercised certain limited powers, and the questions mainly to be determined were whence and how such titles became so vested, and to what uses, as well as where the power was then lodged, and the means whereby it could be rendered effectual. After tracing the origin of these titles to its source, under the Spanish régime, together with the purposes for which such lands were set apart, or in a word, the pueblo system, as it existed in pastoral California, the judge said: "The system did not contemplate, because not necessary to accomplish its objects, that the fee or absolute title to any part of such lands should ever be vested in the pueblo, or town, in its municipal or corporate character; but it was intended by the laws on that subject that the proper authorities of the town should be clothed with the power, in the nature of an agency from the sovereign power of the country, on proper application, to be made by such of the inhabitants of the town as wanted them, to grant house lots, as well as sowing or planting lots, within the proper limits, in private proprietorship, if such applicants should be found to be suitable persons, and in need of what was solicited. Like powers of alienation were also retained, and often exercised over the granting of house lots and planting grounds by the national sovereign, and by such others to whom such sovereign chose to delegate the authority. . . Power, however, to alienate either the lands designed for municipal revenue, or the pleasure grounds of the town, or the commons for pasturage by its inhabitants, never was conferred upon the authorities of the pueblo."

After some further comments he continued: "From all this it manifestly results that the absolute title or fee, with the exclusive power of alienation, in and to all the ungranted lands embraced within the claimed limits of the pueblo of Yerba Buena immediately previous to the treaty of cession of May 31, 1848, remained and was in the Mexican nation. Its rightful successor in that behalf, after such treaty, became and was the United States, because the latter succeeded alike to the national sovereignty in California as also to the fee of all lands therein, together with the power of disposition which was at that date vested in its predecessor." He then referred to the acts of congress, passed in 1864 and 1866, whereby the government of the United States divested itself of the legal title to all the lands in question so derived from Mexico. "In virtue of them," he said, "all the right, title, and interest of the United States passed to the city for the use and upon the trusts in each of them respectively named. No further action by the government or its officers in such case was necessary to pass the title, since such congressional grants passed it as completely as a United States patent."

In the libel suit of Downs *vs.* Fitch, and in McCarty *vs.* Hayes, actions for slander, the judge displayed in his charges to the jury a clear and comprehensive grasp of the law of libel as well as of slander, and of the legal questions involved. In the case of Charlotte L. Brown *vs.* the Omnibus Railroad Company, he delivered a most able and elaborate decision, explaining the principles of the common law which give to colored persons the same right to avail themselves of public conveyances as is granted to others. This decision attracted no little attention throughout the eastern states, was universally approved by the more enlightened and progressive journals, and was made the subject of special reference, with complimentary allusions, by Charles Sumner on the floor of the United States senate.

While on the bench Judge Pratt's demeanor was marked by a firm and quiet dignity, that repelled all attempts at levity or undue familiarity; at the same time he won and retained the respect and good-will of the legal fraternity. Among his other qualifications was the ability to turn in a moment to any page of the testimony while trying a case, or even while rendering an oral decision, when any question of fact was disputed by counsel; and it came to be generally conceded that the judge's statement of the testimony could be fully relied upon. Whenever it happened that counsel became restless on hearing that the case was being decided against him, and interrupted the judge by calling his attention to a supposed mistake in the citation of facts, the latter would quietly remark: "The court reporter will please turn to his notes and read the portion in dispute;" and when that was done, it was found that the judge's statement was absolutely correct. This became so fully recognized among those whose practice lay in his court that when some inexperienced attorney arose, to protect, as he thought, the interests of his client, the bar would quietly smile, in anticipation of the discomfiture which was to follow. But perhaps that which won more than all else the respect and admiration of its members was the ease with which he reached the very pith and marrow of the subject-matter before him, expressing his views in clear, terse, and comprehensive language, dissecting the case, and presenting each portion of it in the clearest light, and thus giving form and precision to what was before a collection of disjointed fragments.

While as judge and jurist Mr Pratt has won for himself a reputation second to none on the Pacific coast, he has also manifested in his business transactions and in his choice of investments qualities of no common order. Perhaps one of the best instances of his ability in this direction was displayed during his earlier career in Oregon, when, by a single well-timed stroke, he cleared the sum of $40,000, and thus laid the foundation of the ample fortune which he has since accumulated. During a trip from Portland to San Francisco in company with Captain Crosby, it chanced that a discussion arose as to what would be the probable price of lumber on their arrival in the latter city. The judge suggested that a cargo should be worth at least twenty-five dollars a thousand. "I wish you would guarantee me that figure," replied his companion. "Well," rejoined the other, "there is no reason why I should guarantee you anything, but it seems to me—and here he gave his reasons—that lumber ought to be worth there when we arrive fully twenty-five dollars a thousand." After some further conversation Crosby asked whether he would purchase from him the cargo on board when laid down in San Francisco at twenty dollars a thousand. "Yes," said Judge Pratt; and thereupon a contract to that effect was drawn up and signed by both parties. On reaching her destination the vessel was boarded by Captain Folsom and W. D. M. Howard, the former of whom, as purchasing agent for the United States government, offered him $250 a thousand for the cargo. It was declined, as was also a still higher offer made by Mr Howard, and the lumber was finally sold at $400 a thousand.

With a portion of the profits he afterward built at Oregon City, in partnership with one McLelland, a vessel which was employed in the lumber trade, one of her cargoes selling in San Francisco for $450 a thousand. Another craft he chartered in the same city at an early date, and loading her with cooking-stoves, blankets, and boots and shoes, he sailed for Portland, where, these articles being scarce and in demand, he disposed of the cargo at a handsome profit. Thus he took advantage of opportunities as they occurred, although his fortune was by no means of sudden growth, nor was it in any sense gained by the hazard of speculation. On the contrary, it was acquired by judicious investments, and by years of unremitting attention to his business affairs, while at the same time burdened with the duties of his arduous profession.

Soon after his removal to California, he invested $55,000 in the purchase of the Aguas Frias rancho, consisting of six square leagues of rich alluvial lands in Butte and Colusa counties, and now forming a most valuable estate. In earlier years this rancho was devoted largely to stock-raising, but has long now been under cultivation, mainly in wheat. On it are nearly one hundred miles of fence, with suitable residences and barns for tenants, and other improvements. Most of the property still remains in possession of the judge, or of present or former members of his family, and yields a liberal revenue. When he took possession in 1859 there were on the tract many settlers from the western states, where holdings were usually limited to 160 acres. By them the owners of large Mexican grants were regarded merely as usurpers, and they were apt to settle upon any land which they found vacant, with little regard to its real ownership. Hence arose serious difficulties, and not unfrequently bloodshed. But through the kindly treatment and consideration which he extended to the squatters no such trouble occurred on Judge Pratt's domain, and finally his title and right of possession were conceded without dispute.

In other portions of California, and especially in San Francisco, the judge has also made investments in real estate, among them being the beautiful location on which stands his sightly residence on the southeast corner of Jones and Sutter streets. Here, with abundant means not only to provide bountifully for those who are bound to him by the ties of marriage and consanguinity, but also to indulge the generous impulses for which he is universally noted, he lives surrounded by his family, his home being embellished by some of the choicest specimens of art, and his library well supplied with standard works of literature.

In 1877 the judge was married to the daughter of Dr Green, a former New York physician, a refined and cultured lady, amiable and sympathetic, and of whom it need hardly be said that she is much esteemed in the Pacific coast metropolis, as well as in New York city, where she was born and reared. In Orville C., their only child, are reproduced all the physical and mental characteristics of the father, and of this boy, now a youth of some six summers, the judge is deservedly proud. In the society of his family and his books the later years of his life have been passed, undisturbed by the cares and anxieties of business or profession. In the mean time he has made an occasional trip to Europe, as like all other men with strong powers of observation, he is fond of travel.

In politics Judge Pratt has always been a staunch and zealous democrat, though never in an intense partisan sense. On the outbreak of the civil war he at once declared his devotion to the cause of the union, identifying himself with the Union league, and contributing without stint to the sanitary and other funds.

In religion he respects and tolerates all Christian creeds. A life member of the Society of California Pioneers, he subscribes liberally and without distinction to many social and charitable organizations which, as he considers, tend to the welfare of society. But not alone on these is his bounty bestowed. Many are the instances, especially among his fellow-pioneers, where he has befriended those whom age or adversity has overtaken, though none are probably aware of it, save the recipients of his charity.

Now, in his sixty-ninth year, but with mind and body little impaired by the touch of time, the judge still displays all the attributes of a vigorous and well-preserved manhood. Somewhat above medium height, and with a compact and well-developed frame, broad-shouldered, and with ample girth of chest, none but those who know him would believe that he ranks almost among our septuagenarians. His upright carriage and firm, elastic step belong rather to a man of half his years. In his regular and finely chiselled features are portrayed the strength of will and firmness of purpose, the intelligence and force of concentration, and, in a word, the power which has raised him from a comparatively obscure position in life to a foremost place in the community of which he is so distinguished a member. The dignity of deportment which he displayed on the bench is carried into private life, though without a trace of the coldness and austerity which too often characterize our successful men. As to the part that he has played in the early history of Oregon and California, the reader will judge for himself from the biography which has now been laid before him. It is of such biographies that, in its truest sense, the history of a state or a nation mainly consists; for apart from the lives of our greatest men there is little worthy of record. On the roll of Oregon's pioneers are others who have achieved the highest honors on the bench, at the bar, in the marts of commerce, and in the halls of legislation; but there are none whose career has been of greater service in laying broad and deep the foundation on which generations yet to be shall rear the superstructure of a great and flourishing commonwealth.

CHAPTER IX.

LIFE OF JAMES ANDREW WAYMIRE.

Ancestry and Parentage — Migration to Oregon — Early Career — Military Record — Reporting — Law Practise in San Francisco — Superior Court Judge — The Veterans' Home — Wife and Children — Residence at Alameda — Tastes and Proclivities.

As a man thinketh, so is he. But what governs the man's thinking—his education, his environment? To some extent, it must be admitted; but, notwithstanding, he is what he was born, not what he was made. Scientists tell us his traits existed in his very atoms—in the first microscopic cell in which his visible being began.

James Andrew Waymire is descended from sturdy old John Rudolph Waymire, of Saxe-Weimar, an officer of rank in the military service of Germany, who about 1732 emigrated to America in order to enjoy his religious opinions without interference by church or state. Landing in New York, he finally settled in North Carolina, contributing to the population of the new country eight boys and seven girls. These young Waymires, after the fashion of other colonist families, scattered through the neighboring settlements, some of them finding homes in Pennsylvania, but more of them in Ohio, near the present city of Dayton, where their descendants are found in large numbers. Stephen K. Waymire, father of James A. Waymire, was of the Ohio branch of the family.

The maternal grandfather was James Gilmore, a Virginian of Irish extraction, whose father fought in the revolutionary war. The son also fought under General Jackson at New Orleans. He married Mary Petit, of a French Huguenot family, and followed Daniel Boone into that beautiful wilderness,

> Where wild Ohio's mighty flood
> Rolled through Kentucky's twilight wood,

which became the dark and bloody ground where perished many brave men and women. But James Gilmore survived the pioneer struggles, and afterward removed to the frontier of Missouri, where he owned a farm and a grist mill and where his daughter Mahala E. Gilmore met and married Stephen K. Waymire, a carpenter and farmer, the two settling on 160 acres on the Missouri river, where later was St Joseph, a flourishing city, covering the Waymire acres with streets of solid business blocks.

Here James A. Waymire was born December 9, 1842. It happened that the young family, with their relatives on both sides, were directly in the path of the Oregon pioneers, who, with large donations of land in prospect, were marching westward annually to settle the boundary question with Great Britain by actual occupation of the Columbia river, and to found an empire with a water-front toward China. Stephen K. Waymire, and his brothers Frederick and John, with their several families joined the large migration of 1845; but Stephen was destined never to reach far Oregon, being killed by a fall from his horse soon after crossing the Missouri river, his widow and son returning to St Joseph.

However, James Gilmore, the father of the widow, in 1852 followed his relatives and neighbors to the Pacific slope, bringing with him his daughter and her son, together with a large family of sons and sons-in-law. The boy enjoyed the journey, and although but ten years of age kept a journal of its events. His grandfather settled in the Umpqua valley, near Roseburg, with others of the immigration of that year, which being of an intelligent class, soon erected schools and churches. Of the former young James was a constant and industrious attendant, and the long winter evenings, when the farm "chores" were done, were spent in the society of such books as *Plutarch's Lives, Pilgrim's Progress,* the historical works of Hume, Rollins, and Gibbon, and the standard poets and essayists—often read late at night by the cheap but brilliant light of blazing pine knots. Nor was this studious habit simply one of recreation. The lad read with map and note-book at his elbow, thoroughly digesting what he intellectually devoured. At fourteen years of age he wrote quite cleverly both prose and verse, and being ambitious, was unwilling any longer to remain dependent upon his relatives for maintenance.

His first venture as a bread-winner, at this age, was in chopping cord-wood, and although not large for his years, at fifteen he performed the labors of a man, in the harvest field, or at making rails. This hard work did not interrupt the intellectual pursuits which were the delight of the young student, who contrived before he was seventeen to acquire a fair knowledge of Latin, Greek, and mathematics. His habit of note-taking led him to short-hand writing, in which he became an expert. In the mean time he had acquired some personal property, which, in consonance with his tastes, included a horse and a gold watch. Before he was eighteen he set up as a school teacher at fifty dollars a month, "boarding round."

This climax to youthful aspiration was reached in 1860, which was the year following the admission of Oregon to the union, and the first in which the Oregon electors could vote at a presidential election. For this reason, but chiefly on account of the agitation of the question of more slave territory, the canvass for presidential candidates was unusually warm. Young

Waymire's uncle Fred was known as the war-horse of democracy in the webfoot state, and the family generally were imbued with the political views of the men who had fought under General Jackson at New Orleans, and had an abiding horror of a "free nigger." But the careful student had read history to little purpose if he had not discovered that slavery benefited neither master nor servant; and, although not old enough to vote, he was not too young to make republican speeches, which he did with a contagious zeal. He assisted in reporting the proceedings of the Oregon legislature, at the session which elected E. D. Baker to the U. S. Senate and at his suggestion began to read law; but his heart was fixed on a course at Harvard, for which he must earn money for the attending expenses; and to this end he resumed teaching.

But now occurred an interruption. The secession of the southern states had precipitated the country into a civil war, and it was a question of the integrity or dissolution of the union. On the Pacific coast there was something more to be met; it was, Shall there be a separate Pacific slave-holding republic? To meet the exigencies of the case required pluck as well as patriotism. The people were called together in mass meetings, which were addressed by union men, Waymire taking the rostrum with older speakers. Then came the news of disaster on the bloody field of Bull Run, and the ordering east of all the regular force on the Pacific coast except a few officers left to instruct volunteers in their duties.

There were at this time numerous hostile Indians on the northern, eastern, and southeastern frontier of Oregon and Washington, which had required several forts and garrisons for its protection. To leave this vast extent of territory defenceless would be to invite Indian as well as foreign aggression. A call was made for a regiment of cavalry to be taken into the service of the United States. The young men of

Oregon, inspired by the hope of being in their turn called east to fight the battles of their country, cheerfully offered themselves. Waymire, who might have received a commission, conscious of unfitness for command, enlisted as a private in the 1st Oregon cavalry on his nineteenth birthday, determined to learn soldiering by actual experience. He was rapidly promoted to a second lieutenantcy, and had enough of marching and fighting to stimulate him to a study of arms as a profession, which study he prosecuted, together with the law, during the winter of 1862 at Walla Walla and 1863 while stationed at The Dalles as adjutant of the command. By a vigorous campaign during the winter of 1863–4, in which he was aided by a company of miners under the lead of Joaquin Miller, afterwards famous as the "Poet of the Sierras," he pointed out the way to conquer a lasting peace with the Indians of southeastern Oregon. This pioneer winter campaign in which the Indians were forced to make a stand and after a long and hotly contested fight were defeated, though outnumbering the whites ten to one, demonstrated that in winter the Indians could not escape our troops, and thereafter the policy which proved successful under General Crook was adopted, of attacking them in winter. For these services he was complimented in general orders by General Benjamin Alvord, the commanding officer. In 1864 Lieutenant Waymire assisted, at the request of Governor Gibbs, in organizing a regiment of infantry. After the fate of secession had been determined by the fall of Atlanta, he resigned and resumed his law studies, at the same time acting as private secretary to Governor Gibbs. In 1867 he was tendered a commission as second lieutenant in the regular army, and believing that an increase in the service gave promise of rapid promotion, accepted, passed a highly creditable examination, and was assigned to duty as quartermaster and commissary at Camp Lyon, Idaho, General Crook being in command of the district. By close attention to his duties he greatly reduced the expenses of the garrison. In 1869 he was promoted to first lieutenant; but, finding that congress was reducing the army, cutting off any reasonable hope of reaching the desired rank short of a lifetime, he resigned, and continued the study of the law without interruption except to act as reporter for the Sacramento *Union* in the state senate of California during the winter of 1869. In 1870 he was admitted to the bar by the supreme court of Oregon, and commenced practice in Salem; but in 1871–2 again consented to act as reporter for the *Union;* and, as this was the session when the codes were adopted, he became familiar with them, as well as acquainted with leading lawyers and other chief men of California, which led to a resolve to practise law in this state. In May 1872, the California supreme court appointed him phonographic reporter of its proceedings, which position he held for three years. This also was instructive practice. From his notes and the records he analyzed arguments and prepared reports of all the cases decided, which were subsequently embodied in volumes 41 to 49 of the supreme court reports.

In 1875 Mr Waymire resigned his office of reporter and commenced the practice of law in San Francisco, to which city he had removed the previous year. His industry, thoroughness, and integrity soon won him the respect of a bar as brilliant as any city of its population can boast, and his practice embraced a wide range of legal propositions. In 1877 he was employed by General Meyers,consul-general to Shanghai, to prepare charges against George F. Seward, minister to China, Seward having procured the suspension from office of the consul-general for having reported certain irregularities in office. Mr Waymire examined the evidence, which was chiefly documentary and very voluminous, and prepared a brief, which Meyers placed in the hands of the distinguished Senator Matthew Carpenter and Robert Ingersoll, to prosecute before congress. The result, after a tedious contest, was the recall of Seward and the abandonment of the impeachment proceedings.

A case in which Mr Waymire was engaged, that of Barton *vs* Kalloch, involved the construction of the constitution as to the time of holding elections. Other important cases in his practice were that of the People *vs* Houghton, in which the supreme court declared a swamp land act to be unconstitutional; that of Mohrenhaut *vs* Bell, which involved the title to 26,000 acres of land in Sonoma county; that of the South Mountain consolidated mining company, in which he represented the creditors in an application for an assessment of $300,000 on the stockholders; that of the People *vs* Parks, in which the drainage act was declared to be unconstitutional, and nearly a million dollars saved to the state; that of the San Francisco gaslight company *vs* Dunn, in which the city's contract with that company was declared void; and that of the Pioneer woolen factory *vs* Dunn, which involved the validity of the Bayley ordinance, providing for the annual payment of a large sum for water by the city. Of these cases, the People *vs* Parks is the most notable. A law had been passed by the legislature, levying a tax of five cents on the $100, for the purpose of constructing dams to interrupt the flow of débris from the mines worked by hydraulic power. It was sought, at a subsequent session, to repeal this law, but without success. It was then several times attempted to get the question of its constitutionality before the supreme court, but the effort failed on questions of practice, until at last the question was squarely presented in the case above quoted, when the court declared the act unconstitutional upon a point raised by Waymire that the act, in attempting to confer upon executive officers the power to form drainage districts, involved a delegation of legislative functions, and was therefore void. The débris question in its different forms was one which concerned the agriculturists of the state in opposition to the owners of hydraulic mines, and was hotly contested in the legislature during several sessions while waiting for the opinion of the supreme court, which happily cut the Gordian knot, and relieved the agricultural people, not only from a tax in the interest of mining, but from the fear of ruin through the filling up of the beds of rivers, and the prospective loss of their lands by consequent overflow and deposits of worthless earth.

In October 1881, Mr Waymire was appointed by Governor Perkins to fill a vacancy on the bench of the superior court of San Francisco. Among the marked characteristics of his judicial career was the patience with which he examined evidence and heard arguments; his power of analysis and skill in the application of legal principles. In little more than a year on the bench, he rendered over 1,100 decisions, in many of which he prepared written opinions. Of the numerous important cases tried by him only thirty were appealed and of these but three were sustained. The bar of San Francisco were anxious to have him retained upon the bench by election at the close of the term for which he was appointed, and he was nominated by both factions of a divided republican party, but beaten by a small majority, in consequence of the agitation of a Sunday law, to which the German population of either party were opposed, causing them to vote solidly with the democrats. Although defeated, he received the highest vote of all the republican candidates, running 3,000 ahead of the party candidate for governor.

The reputation achieved upon the bench greatly increased his legal business on returning to practice. Among the cases on which he was engaged were the so-called railroad-tax suits, one hundred of which had been brought by the district attorneys in thirty-three counties of the state, against the Central and Southern Pacific companies, the aggregate amount claimed being over a million dollars. The suits were, on motion of the defendants, transferred to the United States circuit court at San Francisco, upon the ground that they involved questions arising under the federal constitution. The state controller engaged Judge Waymire to assist the attorney-general in pressing these suits to judgment. The state lost in the circuit court, but the attorneys sued out writs of error to the supreme court of the United States, and before that tribunal decided the questions involved, by negotiations with the defendants, succeeded in collecting $800,000, which, with $200,000 paid after the suits were begun, brought about a million dollars into the coffers of the state.

In the case of Shultz *vs* McLean, before the superior court of San Luis Obispo county, Judge Waymire was of counsel for the plaintiff in a case involving 22,000 acres of land. The complaint alleged fraud in obtaining a deed; and, although such a case is most difficult to win, the judgment rendered was in favor of their client. In many other important cases, such as Ryer *vs* Ryer, a divorce case involving more than a million of dollars; United Land Association *vs* Knight, concerning the Mission creek lands; Moore *vs* Hopkins, where the plaintiff recovered a verdict for $75,000 for breach of a promise of marriage —Mr Waymire was engaged.

The lesson of these successes in an arduous and exacting profession is one of honest, steadfast purpose. United to great abilities, this makes all things possible; without it, the highest intellect is but a fire-fly torch, uncertain and misleading. As Judge Waymire is still on the hither side of fifty, he may reasonably hope to attain to greater eminence in his profession, or in the world of letters, where, had he the leisure, he would be glad to enter the lists for a prize. Having already acquired a comfortable fortune, this would be an intellectual pastime; but men who have shown themselves useful in any profession can hardly escape the solicitations of those who would profit by their services. That he has fully weighed the comparative value of legal and literary fame may be inferred from the following words contained in an address delivered in 1873, on memorial day, at Sacramento: "In the free press, upon which the people depend so largely for information and counsel, and especially in the popular forum, where the great controlling power we call public opinion is concentrated and directed to some special purpose, sentiment, feeling, all the hidden springs by which men are moved to action, are called into play. . . . A learned judge, who for a score of years has been a student of legal lore, gives days and weeks, and even months to the investigation of some knotty question of law affecting vital interests of the public; and at length his opinion clear, compact, fit to stand as an opinion for all time, is announced; but it attracts the attention of a small audience only, even in the community it most concerns."

He has done some vigorous writing for the leading newspapers of Oregon and California upon political and other topics. In 1875–6 a series of articles from his pen, published editorially in the San Francisco *Chronicle*, awakened a strong sentiment against stock-gambling, and at the request of Governor Irwin he prepared a bill to remedy the evils thereof. The bill was introduced in the assembly and passed that body but was defeated in the senate by the united efforts of the stock-brokers and others interested in maintaining the old methods. Many of the features of the bill subsequently became law.

Judge Waymire's leaning toward military life, a trait derived no doubt from his great-great-grandsire, John Rudolph, the immigrant, appears in his patriotism and in his affection for old soldiers. It was at his suggestion that the federal government was memorialized to establish a branch of the national soldier's home on the Pacific coast, and he was appointed, being a member of the Grand Army of the Republic and Veterans' Home association, to urge the enactment of a law to that end. Only after years of correspondence with the board of managers, and with senators and representatives in congress, were his efforts finally crowned with success, an appropriation of $150,000 being granted to erect a branch home, and in November 1887 a site near Santa Monica was selected, where buildings were erected to accommodate 2,000 inmates. In March 1884 he was chosen a director of the Veterans' Home association, which maintained, at Yountville, a retreat for disabled soldiers; in 1886 was elected president, and has since been four times re-elected. Under his administration the institution has been built up into a model soldier's home. He was sent as a delegate to the national encampment of the grand army held at Portland, Maine in 1885. His report of the transactions of the Veterans' home association, made to the governor of the state in 1887, contains its history from the beginning.

He has never affiliated with the baser sort in any rank of life. It is noteworthy that the 1st Oregon cavalry, to which he gave so much enthusiastic service, was known as the puritan regiment, and to the puritans in morals he still belongs, although as liberal and broad in his opinions and sympathies as a just man should be.

Judge Waymire is 5 feet and 8 inches in height, full chested and rather stout; has blue eyes and regular features, with a fresh, almost boyish, complexion, a soft voice and a kindly manner. He was married on June 22, 1865, to Miss Virginia Ann Chrisman, a native of Missouri, and like her husband of German ancestry. Mrs Waymire is one of the notable housewives and mothers of California. Judge Waymire's eldest daughter Maud has inherited both her father's taste for literature and history and her mother's devotion to the interests of the home circle; Charles, the eldest son, has an unusually fine physique and a talent for mathematics; Edna, the second daughter, is a bright little girl who always ranks high in her classes, while Rudolf, the pet of the family has not yet reached the age when right and wrong or indolence and industry mean anything to his baby mind. No sketch of Judge Waymire would be complete that did not take cognizance of his sentiments and aspirations as a family man. He has the German love of the soil and of a home. He is one of the few fathers in this generation who takes a personal interest in the instruction of his children. Although not what is termed a society man, he is fond of gathering his friends at his own fireside, to whom he is a frank and generous host.

It was his good fortune to make some profitable investments in San Francisco property about 1884; but preferring a residence in a suburban town, he purchased several acres in Alameda upon which he has expended a large amount in creating an ideal suburban home, where the eye looks out upon grounds beautiful with oaks, to which cling garlands of ivy, while the lawn beneath is dotted with daisies, and the walks lined with flowering shrubs and trees from all climes contentedly mingle their foliage, as if they knew that their master hated the axe, and counted among them many a leafy friend. He is specially fond of the palm tree of which he has many varieties so grouped among accacias, bamboos, aracarias, bananas, and other tropical plants of the hardier sort as to form a landscape seldom found north of the equator. Here, during the day, families of quail roam without fear, hundreds of feathered songsters make their homes, and at night the owl hunts for the gopher and the mole as if he were part of the family.

CHAPTER X.

GOVERNMENT AFFAIRS IN OREGON.

Religious Sects as Colonists—Methodists, Presbyterians, and Catholics—John McLoughlin and the Hudson's Bay Company—The Boundary Question—Missionaries as Merchants—Land Claims—Indian Troubles—Military Matters—Provisional Government—Politics—Judicial Affairs—Oregon as a Territory and as a State—Prominent Officials.

Piety, patriotism, and jealousy, presently blending and bowing before avarice, were the primary factors in the colonization and occupation of the Oregon country south of the 49th parallel. The piety was, for the most part, of the methodist persuasion, intent on converting the savages to the same thinking; the patriotism and jealousy took the form of a strong desire for the Americanization of Oregon, so that the English might not get control of the country; the avarice was of a somewhat mild form, being simply a greater desire for lands and other temporal benefits than for purely spiritual blessings.

Following the trading adventures to Oregon of Kelley and Wyeth, came four Flathead chiefs to St. Louis, asking for missionaries to their benighted land. Two personages presently appeared before the methodist board and offered their services. They were Jason Lee and his nephew Daniel Lee, the former having been engaged in similar labors in the British provinces. Their offer was accepted; and Jason, made a member of the methodist conference, was ordained an elder. This was in 1833.

Jason Lee was from Stanstead, Canada, and at that time about thirty years of age. He was tall and powerfully built, with an iron constitution and unblemished manhood. Sincere and sound in his principles after the manner of his enlightenment; frank and affable in his intercourse with men, he inspired respect and grew in the confidence of his associates. If he lacked somewhat in refinement, it may be said that his brusque straight-forwardness was but simple honesty, unalloyed with clerical cant.

His nephew was not cast in the same mould. Thin and bony in form, he presented a strong contrast to the powerful frame of Jason, while in mental capabilities a corresponding difference existed between them. Though a man in stature, Daniel was a child in mind and manners; but of his lack of knowledge, especially that of the world, he lived in happy unconsciousness.

On October 10, 1833, a missionary meeting was held in New York to arrange for the early departure of the volunteers, and by the end of November everything was in readiness, $3,000 having been voted by the board to defray the expenses of their outfit. At this juncture Nathaniel J. Wyeth arrived at Boston, having returned from an unsuccessful attempt to establish a trading-post on the Columbia river. Wyeth was of Cambridge, Massachusetts—an enterprising young man of ardent temperament, who, excited by the writings of Hall J. Kelley, conceived the design of journeying overland and planting an American colony in Oregon.

Leaving New York in March 1834, the Lees proceeded westward, accompanied by three associates—Cyrus Shephard of Lynn, Massachusetts, Philip L. Edwards, a native of Kentucky, and Courtney M. Walker of Richmond, Missouri, who had been engaged to assist for one year in founding the mission. At Independence, their rendezvous, they found Wyeth, and on April 28th the expedition, numbering in all seventy men, started on its journey. On September 16th the missionary party arrived at Fort Vancouver, Jason Lee having gone in advance of the others.

The initiatory steps toward settlement had already been taken in the Willamette valley by French Canadians, who, when the terms of their contracts with the Hudson's Bay company had expired, were allowed to settle on the choice lands of the valley, and thither went the Lees. The place was known as French prairie, a lovely region, whose grassy meadows were watered by numerous streams, and dotted with groves of oak and fir, cottonwood and white maple. And here, at its southern extremity, the methodist mission was established, Lee having been so advised by McLoughlin, chief in these parts of the Hudson's Bay company. Every Sunday a sermon was preached at the house of Joseph Gervais, where, also, a sabbath-school was opened, but no progress was made in converting the natives.

Late in October 1834 Kelley and Ewing Young arrived with a party from California. Born at Gilmanton, New Hampshire, in 1879, Kelley had graduated at Middlebury, Connecticut, and afterward at Harvard university. As early as 1815 he began his agitation of the Oregon question, and in 1824 gave himself wholly up to the work. By gathering information and spreading it among the people he did more than any other man to keep alive in the public mind a deep feeling of interest in Oregon. He was an enthusiast in the matter, making maps, forming plans, and petitioning congress for aid. He organized a land expedition, which was to have started in 1828, but was afterward abandoned; he next attempted to form one to proceed by water in 1832, but again he failed. Kelley then determined at all hazards to visit Oregon, and with a few companions set forth in 1833, selecting the circuitous route through Mexico. At Vera Cruz, whither he arrived alone, his party having separated from him, he was robbed, and suffered many hardships, but was not deterred from his design. Reaching California, he became acquainted at San Diego with Ewing Young, a cabinet-maker by trade, but trapper, hunter, and adventurer by preference, and together they proceeded to Oregon. Young was a native of Knox county, Tennessee, and a man of intelligence, possessed of great nerve-power, a grand physique, and that restless disposition which impels men to adventure.

Kelley and Jason Lee met in conference several times, but the latter had plans of his own, and Kelley was soon left to brood in solitude over the failure of his project for forming an ideal American settlement. In 1835 he returned to Boston, where he published a pamphlet setting forth the hardships and injustice inflicted on American settlers by the exclusiveness of the British fur company, which put in force most arbitrary measures to drive away those who would not submit to its domination.

In view of these charges, the government instructed William A. Slacum, connected with the naval service, to visit Oregon, ascertain the truth of Kelley's story, and collect all political, physical, and geopraphical information that might prove useful. Slacum arrived in December 1836, and reached Fort Vancouver January 2, 1837, where he was hospitably received. McLoughlin was informed by his visitor that he was a member of a private expedition in search of information respecting the country But the chief-factor was not deceived ; he recognized in the man an agent of the United States government, and knew that all that was seen and heard would be reported to it. He deemed it expedient, therefore, to make a full statement in regard to all matters at issue. After visiting the mission and settlers in the Willamette valley, Slacum took his departnre, while Young attempted to establish a distillery to prevent which the missionaries organized a temperance society.

In the work of occupying Oregon the methodists were followed by the presbyterians, of whom Samuel Parker of Ithaca, New York, and Marcus Whitman were leaders. Parker was a man of intelligence and refinement, of somewhat precise and solemn deportment, but sincere and courageous. He was older than Whitman, and of a lively disposition, outspoken, and of easy manners. Prompt, energetic, and brave, yet kind withal, he was well fitted to be the pioneer of missionary enterprise, his sinewy frame and vigorous constitution rendering him capable of enduring hardships. He was a native of Rushville, New York.

Parker made a journey to Fort Vancouver and the Nez Percé country, and returned east. Whitman, in company with H. H. Spaulding, a plain, practical man, but full of zeal, both of them missionaries, and accompanied by their wives, proceeded in 1836 to Waiilatpu, Whitman taking up his residence in a house which Parker had built, while Spaulding located himself in the Lapwai valley. Among other missionaries entering early the Oregon territory were W. H. Gray, Elkinah Walker, and Cushing C. Eells.

The Willamette mission of the methodists was reënforced in 1837 by a party of eight from Boston, conspicuous among whom was Elijah White, doctor, just past thirty years of age, of a sight, elastic frame, and slippery tongue and conscience. Next was Alanson Beers, a blacksmith, a stout, strong man of dark complexion, homely disposition, and rigid honesty. In marked contrast to him was W. H. Willson, ship-carpenter, a tall, well-built man, of cheerful and affectionate disposition, kind to children and animals, ever ready to entertain his listeners with strange sea-stories, some parts of which were true. Other pioneers were Anna Maria Pitman, who married Jason Lee, a tall, dark-hued woman, with some poetic talent, fervently pious and enthusiastic ; Susan Downing, who married Cyrus Shepard ; and Miss Johnson, a pure-minded. estimable damsel, zealously devoted to her duty. Charles J. Roe was also married to Nancy McKay. These were the first marriages solemnized in the Willamette valley by church rites. Very shortly after this event a second reënforcement arrived from Boston, and the population at the Willamette mission now numbered sixty persons, nearly equally divided between natives and white settlers. In March 1838 Daniel Lee with H. K. W. Perkins, one of the last comers, established a mission near the Dalles, at a point on which Gray had endeavored to persuade Whitman to plant a presbyterian mission.

Jason Lee must now be regarded more as an American colonizer than as a missionary. He had been unsuccessful in his efforts to gather the savages into his fold, and like a sensible man, he turned his attention to business. He conceived the idea of founding a methodist state, whatever that may be, and in 1837–8 went east to obtain men and means. He gave lectures on Oregon, and importuned congress, until, finally, a vessel was freighted, partly by the aid of government, and partly from the gifts of Sunday-school children and sewing societies. Not long afterward a mission was established among the Clatsops, and one near Fort Nisqually.

Meanwhile Jason Lee, recognizing that French prairie was not the best place in which to plant American institutions, selected a large and fertile plain, ten miles south of the original location, and called by the natives Chemeketa, that is to say, Here we rest. The place was well supplied with timber and water-power, and on his return from the east Lee proceeded to remove his people thither. Between 2,000 and 3,000 acres were selected and a grist and saw-mill erected.

After starting this new settlement, Lee, one of the brethren, and Hines, explored the Umpqua country, but found no inducement to plant a mission therein. On their return a misunderstanding arose between Lee and White, the latter having caused more money to be expended in the erection of a hospital than was approved of by Lee. White resigned and went home, where his representations to the board created an unfavorable impression with regard to Lee, whose course was likewise criticized by some of his own people. In fact, there was a foolish quarrel among the worthy missionaries.

Meantime Jason Lee continued to mature his plans for the founding of a methodist state. A building was erected on the Chemeketa plain, at an expense of $10,000; the Oregon institute was organized, for the education of white children, and a building constructed, at a cost of $3,000, three miles to the north.

But there was a scheme in which the methodist superintendent was, perhaps, still more deeply interested, and that was the acquisition of the water-power at the falls of the Willamette. John McLoughlin held the property, as was well known, having taken possession of it in 1829; and as no settlement of boundary had been arrived at, he could maintain his right. He had already made improvements by the erection of several houses and the construction of a mill-race. This, however, did not prevent the missionaries from finally securing a large share, after lengthy and bitter quarrels, during which were forgotten all the chief-factor's many deeds of kindness toward the very men who now repaid him with wrong and injustice.

In the autumn of 1843 the first large overland immigration of families arrived. In mission affairs Lee was superseded by George Gary, who had been sent out to investigate the conduct of the brethren. Two years later the former died in Canada. The latter reached Oregon city, June 1, 1844, and a meeting of the missionaries was held on the 7th at Chemeketa. After a long consultation it was decided to dissolve the mission. All the property, consisting of houses, farms, farming implements, cattle, mills, and goods of every description at Chemeketa, French prairie, and Clatsop, was sold. Some of the immigrants would have been glad to purchase, but it was all secured by the missionaries. Hamilton Campbell was allowed to buy all the mission herds on long credit, and George Abernethy obtained possession of the mission store. Houses and farms were disposed of to the amount of $26,000, less than half the original cost.

The methodist missions in Oregon were now all closed except the station at the Dalles, which was occupied only for the purpose of securing a valuable land claim. Thither Waller was sent, but Whitman, at Waiilatpu, wishing to purchase the property, it was sold to him, and the former returned to the Willamette. Thus ended ten years of missionary labor, at a cost to the society of quarter of a million dollars. The persons sent to Oregon by the society made good colonists and exercised a wholesome influence, which extended from missionary times to a much later date.

When the methodists arrived at French prairie in 1835, the Canadians became desirous of obtaining instructors of their own faith, and, in answer to their appeals, the archbishop of Quebec appointed the Reverend Francis Norbert Blanchet to establish and take charge of a mission in Oregon, with the title of vicar-general, and, for his assistant, gave him the Reverend Modesto Demers. The priests left Montreal in May 1838, arriving at Fort Vancouver in the autumn. Blanchet established himself among the Cowlitz, erecting a log house, the place receiving the name of St Francis Xavier.

During the summer of 1839, Demers visited the natives in the vicinity of Fort Colville and Nisqually, and on his return, in October, was assigned to the charge of the Cowlitz establishment, the vicar-general having proceeded to the Willamette valley, where he took up his residence October 12th, and dedicated to

St Paul, January 6, 1840, a log church, which had been built in 1836 in anticipation of the arrival of catholic priests.

Jealousy arose between the catholics and methodists. In the spring of 1840 Pierre J. De Smet, a Jesuit, established himself among the Flatheads, and by his imposing presence, his intellect, and energy, he achieved a marked success. Returning to St Louis, he came again the following year with the Reverend Gregorio Mengarini of Rome, the Reverend Nicolas Point, a Vendean, and three lay brothers who were good mechanics. On September 24, 1841, the Flathead mission of St Mary was founded on Bitter Root river, and later the mission of Sacred Heart among the Cœurs d' Alênes. Fathers Peter de Vos and Adrian Hoeken, with three lay brothers, were sent to the Rocky mountains, and De Smet was despatched to Europe to solicit aid. He was successful, and in July 31, 1844, he again arrived in Oregon, accompanied by fathers Antonio Ravalli, Giovanni Nobili, Aloysius Vercruysse, Michele Accolti, several lay brothers, and six sisters of Notre Dame de Namur. The sisters took possession of a convent prepared for them in French prairie, called St Mary, and opened a school for girls in October. With the aid of his reënforcements De Smet founded in quick succession the mission of St Ignatius among the Pend d'Oreilles, and the chapels of St Francis Borgia among the Kalispelms, St Francis Regis in Colville valley, St Peter's at the great lakes of the Columbia, the Assumption on Flatbow lake, and the Holy Heart of Mary among the Kootenai.

Meantime Oregon had been erected by Pope Gregory XVI. into an apostolic vicariate, Blanchet being appointed archbishop, and Demers succeeding him as vicar-general. The briefs reached Oregon November 4, 1844, and Blanchet proceeded to Canada to receive his consecration, and thence made a voyage to Europe, returning to Oregon in August 1847, bringing with him twenty-one recruits, among whom were seven sisters of Notre Dame de Namur.

During the archbishop's absence in Europe his vicariate had been erected into an ecclesiastical province, containing the three sees of Oregon city, Walla Walla, and Vancouver island. The first was allotted to the archbishop, the second to his brother A. M. A. Blanchet, canon of Montreal, and the third to Vicar-general Demers. The bishop of Walla Walla arrived in Oregon during the autumn of 1847, accompanied by nine others, among whom was J. B. A. Brouillet, who had been appointed vicar-general of Walla Walla.

Meanwhile matters were less prosperous among the presbyterians. In 1840 the station at Kamiah was abandoned, owing to the overbearing conduct of the Nez Percés, and affairs were almost as bad at Lapwai and Waiilatpu.

In September 1842 Whitman proceeded to Boston, with a view to procure further assistance for the missions. The board received him coldly, and he returned a year later, only to be finally killed by the Indians.

Jason Lee's lectures in the east in 1838 attracted immigration to Oregon. The first movement was from Peoria, in May 1839, when a party of fourteen, with Thomas J. Farnham in command, set forth for the Columbia river. Dissension, however, soon broke out among them, and at Bent fort the company disbanded. Farnham proceeded on his journey, and finally, in company with two others, Sidney Smith and a Mr. Blair, reached his destination. Blair spent the winter at Lapwai, Smith obtained employment with Ewing Young, while Farnham visited the Willamette valley. There he was frequently consulted as to the probability of the United States government taking them under its wing. Acting upon his advice, the inhabitants drew up a memorial to congress, setting forth their condition. It was signed by sixty-seven men, and given to Farnham, who carried it to Washington.

A second party, of eleven persons, left Illinois for Oregon in 1839, and in 1840 another group of presbyterian recruits arrived. Hunters and trappers, thrown out of employment by the dissolution of the American Fur company, began to seek homes in Oregon for their native wives and half-breed children, but did not receive a very hearty welcome. The number of settlers in the Willamette valley was largely increased in 1841 by the arrival of most of the twenty-three families which had been brought out from the Red river settlement under the auspices of the Hudson's Bay company to settle on the lands of the Puget Sound Agricultural company. They were first located at Nisqually, but discovering the inferior quality of the soil, nearly all of them removed to the Willamette.

In 1842 Doctor White, having been made Indian agent, set forth with over a hundred emigrants for Oregon, but quarrelling with his charge by the way, L. W. Hastings took the command, and the train was divided into two factions. On the arrival of the immigrants at the Willamette, most of them were in a destitute condition, from which they were relieved by McLoughlin, who engaged many at fair wages, and supplied with goods on credit those who could not make immediate payment. Hastings afterward published a narrative of his travels. He was a man of practical ability, but ambitious, and of a selfish and arbitrary disposition.

In February and December 1838, Lewis F. Linn, senator from Missouri, introduced two bills, for the occupation and establishment of Oregon territory. The discussions in congress, the popularity of his last bill, together with the missionary efforts, resulted in a pronounced emigration movement. White's party may be considered as having been the advance company to the great migration which followed in 1843–5.

In the western border states there was a great number of men who were discontented with their locations, which were remote from a market for their productions, and virtually excluded from the channels of commerce. They were brave, restless, aggressive, and hardy ; they were intensely patriotic, and a journey across a continent to assert American rights, with the offer of free lands on a seaboard which promised commercial relations with the Hawaiian islands and China, presented no difficulties that they would not attempt to overcome.

Early in the spring of 1843 emigrants from Arkansas, Kentucky, Tennessee, Illinois, Iowa, and Missouri were on their way to the great rendezvous near Independence. By the middle of May, nearly 1,000 persons were assembled, about 300 of whom were men capable of bearing arms. It was now thought time to organize. There was also a large company from the Platte purchase in Missouri under the leadership of Peter H. Burnett, of Weston, and another from St Clair county led by Jesse Applegate, his brothers Lindsey and Charles, and Daniel Waldo. A third party, bound for California, was led by Joseph B. Chiles ; and other companies were under the leaderships of T. D. Kaiser, Jesse Looney, and Daniel Matheney. These several companies adopted the usual rules, and organized by electing Burnett captain and J. W. Nesmith orderly sergeant, nine councilmen being chosen to assist in settling disputes.

The body now moved forward, but after eight days Burnett became disgusted and resigned the command, William Martin being elected in his place. The latter found such difficulty in controlling so large a body that at Big Blue river, it was divided into two columns, Jesse Applegate taking command of the second and slower one, which was encumbered with herds.

Arriving in the country after the usual vicissitudes, the immigrants took up their several stations. Waldo made a settlement in the hills southeast of Salem, which still bears his name. Nesmith settled in that portion of the Yamhill district which now constitutes Polk county. The Applegates wintered at the old mission, Jesse being employed in surveying at Salem and Oregon City. In the spring the three brothers selected farms in Yamhill district, near the present site of Dallas.

For the first two years the general condition of the new immigrants was one of destitution. The immigration by sea during 1843 amounted to fourteen persons, among whom was Francis W. Pettygrove with his wife and child. He brought with him $15,000 worth of goods, and opened a store at Oregon City.

In the spring of 1844 a large company, amounting to 1,400 persons, was assembled at the Missouri river, of which Cornelius Gilliam was elected general, Michael T. Simmons colonel, and R. W. Morrison, William Shaw, Richard Woodcock, and Elijah Benton captains. A court of equity was also established by the election of a judge and two associate justices.

Gilliam had conceived the idea of establishing an independent colony, and the several leaders aspired more to military glory than to the peaceful pursuits of settlers. At this time the attitude of the two governments with respect to the boundary question, had assumed a warlike phase, and these immigrants would have delighted in driving away the British. Gilliam had served in the Black Hawk and Seminole wars; had preached the gospel, and been sheriff of a county. He was a fair specimen of the muscular parson, brave, impetuous, and generous, though somewhat wilful and obstinate. He had good natural abilities, though but little developed by education. Simmons was also uneducated, but being of a fearless and resolute disposition was well suited to the position of colonel of such an organization. After much suffering and a few deaths, the company reached its destination in a disorganized condition.

Homes were the first requirement, and in their selection McLoughlin was naturally anxious that no settler should locate himself north of the Columbia. He sought by every means to cultivate a friendly feeling, but there were some among those hardy pioneers who were aggressive in the extreme. They were determined, before any boundary line between the conflicting governments was agreed upon, that Oregon, north or south of the Columbia, should not become British territory. And thus it was that in February, 1845, Henry Williamson, of Indiana, and Isaac W. Alderman erected a small log-cabin half a mile from Fort Vancouver, and posted thereon a notice that they intended to claim the land. McLoughlin pulled down the cabin and tore the notice to pieces. Then followed a stormy interview between the squatters and the factor, at which Alderman made himself conspicuous for his abusive language and violent demeanor. He went to California in 1848, and was killed in December of that year by Charles E. Pickett at Sutter's fort, under circumstances that justified the homicide.

In no particular does it appear that McLoughlin overstepped the limits of his position in dealing with this aggression. His duty was clearly marked out—the protection of the Hudson's Bay company's posts and property. Trespassing upon land to which the company had a prior right or claim, pending a settlement, could not be admitted by one in charge of the company's interests. McLoughlin's earnest wish was to be at peace, and avoid lawlessness and misrule. He assisted, as far as it was possible for him to do so, the destitute and needy, supplying them on credit with the means of subsistence and agricultural implements. Yet his beneficent intentions were not appreciated at the time. There was a pressure, irresistible in its action, the surge of a human tide, determined to gain possession of the land. And thus it was that his benevolence, being regarded as weakness, provoked encroachment. Williamson and Alderman had to yield, but their discomfiture did not deter others from proceeding further northward and settling on Puget sound. Michael T. Simmons, James McAllister, David Kindred, Gabriel Jones, and George W. Bush, with their families, and two unmarried men, Jesse Ferguson and Samuel B. Crockett, settled at the head of the sound in the neighborhood of Tumwater.

The migration into Oregon in 1845 was far in excess of those of previous years, the estimated arrivals being no less than 3,000 persons, which doubled the white population, and had a marked effect on the solution of the boundary question. At this date it was a moot question whether the British or Americans would secure California, it being well understood that the possession of that region would give command of the seaboard thence to the undisputed British territory. The immigration of 1846 was not so large as that of the previous year. It is probable that it amounted to between 1,500 and 1,700 persons.

In close connection with these migrations westward—some portions of which it must be understood turned toward California—were the explorations made in the endeavor to find a practicable wagon route leading into the Willamette valley. The sufferings of the immigrants of 1843–5 stimulated both the United States government and the colonists in Oregon to search for a good road between the eastern states and the far-off regions bordering on the Pacific. An impulse was, moreover, given both to the government and colonists by the boundary question. The possibility of troops being sent overland from Canada, in case of hostility, had been investigated by the British officers, Park and Peel, and the fur company's posts had been found to be so located that there would be no great difficulty in marching a strong force into the disputed territory. Settlers in Oregon were therefore anxious, in view of their determination to hold possession, that an equally good route to some central point should be discovered and opened up, in order that troops and armanents might be concentrated against possible attack.

Early in May 1846, a company was formed to search for a pass in the Cascade mountains. It was privately assisted by Jesse and Lindsey Applegate, but failing in its first attempt returned for reënforcements. The two Appelgates thereupon determined that a further effort should be made, and leaving the comforts of home, proceeded with thirteen others to perform the difficult task. Besides the Applegates was Levi Scott, a native of Illinois, a man of character and determination, and the prime mover of the enterprise. Others were Henry Bogus, David Goff, Owens, and Harris. They succeeded in discovering passes through the Cascade range and the dividing ridge which separates the great basin of the Humboldt and the lake basin of the Pacific coast.

Among the several routes discovered the superiority of the southern one was established by Scott, who in May 1847 guided over it a party of twenty men returning to the States, and also a portion of the migration of the following autumn. Scott's company reached the Willamette in good season and in good condition, whereas those who took the northern road underwent the usual hardships. The legislature of this year passed an act for the improvement of the southern route, making Levi Scott commissioner, and allowing him to collect a small toll. Scott was the founder of Scottsburg, on the Umpqua river, and died in Lane county in 1878, at the age of eighty. He was much respected for his many estimable traits of character.

Jesse Applegate settled in 1849 at the headwaters of Elk creek in the Umpqua valley, and near him was his brother Charles. Lindsey Applegate settled somewhat later on Ashland creek, where the town of Ashland now stands.

Having thus narrated the leading incidents connected with the colonization of Oregon, we are prepared to understand events in connection with the origin and development of a territorial government.

Prior to the arrival of Americans in the Oregon country no legal formalities had been found necessary. The authority of the chief factor was absolute, the fur company's charter empowering the governor and council to put on trial and punish offenders belonging to its corps of employés. The Canadians and other servants of the company yielded without question to their right to judge and punish. But with the Americans it was different. The charter forbade any British subject to trespass upon the company's territory for the purposes of trade, but this prohibition could not apply to others.

Foreseeing that troubles would arise, McLoughlin took timely measures by procuring, through an act of parliament, the appointment of justices of the peace in different parts of the country, James Douglas being selected to fill that office at Fort Vancouver. These justices were empowered to adjudicate in cases of minor offences, and impose punishment; to arrest persons guilty of serious crimes and send them to Canada for trial; and to try civil suits where the amount in dispute did not exceed £200, and give judgment therein.

In order not to be behind the British fur company in the exercise of civil jurisdiction, the methodist missions in 1838 furnished the colonists with a magistrate and constable. The arrival of the great missionary reënforcement of 1840 made it manifest that some form of government would soon be needed, and in the following winter the death of Ewing Young furnished the occasion for establishing some such machinery. Young had left property to which there were no known heirs, and the administration of the estate became necessary. A meeting of the settlers was called, to be held on the 17th and 18th of February, 1841, the result of which was the choosing of a committee to frame a constitution and code of laws; and though it was deemed expedient to defer the election of a governor, owing to the opposition of the settlers to a chief magistrate drawn from the missionary party, a supreme judge with probate powers, a clerk of the courts, public recorder, high sheriff, and three constables were chosen. The convention then adjourned to meet again on the 7th of June.

But when that day arrived it was found that no report had been prepared by the committee, which in fact had not even been called together by its chairman, F. N. Blanchet, who now resigned. The fact is that the mission party, which was scheming to establish a government, hoped to secure the catholic influence by making Blanchet chairman of the committee, and his withdrawal signified that the Canadians would take no part in its organization. Resolutions were passed rescinding the nominations made at the previous meeting, and an adjournment made to the first Thursday in October. The question as to the necessity of a governor was revived, while many influential persons were opposed to the idea of a government so long as harmony existed without one. Moreover, Lieutenant Wilkes, in command of the United States exploring expedition, was in Oregon at this time, and being consulted condemned the scheme on the ground that only a small minority of the people, desired to establish a government; that laws were not necessary and would be a poor substitute for the moral code followed by all; that the majority of the population being catholic would elect all the important officers; and that an unfavorable impression would be produced in the United States as to the influence of missions, which were obliged to resort to a criminal code. Thus baffled, the missionary party made no further effort for the moment.

The return of White in 1842, with a provisional claim to the governorship appended to his commission as Indian agent, stirred up the question anew. Few were anxious to see White the civil head of the community; and the missionary party, without openly opposing him, quietly used their influence to crush him.

During the autumn of 1842 overtures were again made to the Canadians to assist in forming a temporary government, but they again declined. Meetings, however, were held in different parts of the colony, called ostensibly to devise means of protecting the herds from wild animals, but really to bring the settlers together, both Canadian and American, in order that the plan of a provisional government might be broached. Notice was given that a general meeting would be held, March 6, 1843, at the house of Joseph Gervais, a friend of the methodist mission; and as almost every settler had sustained loss through destruction of stock by panthers, wolves, and cougars, the meeting was well attended. The preliminary business being concluded, and a Wolf organization formed, a resolution was passed, "that a committee be appointed to take into consideration the propriety of taking measures for the civil and military protection of this colony." A committee of twelve members was appointed to report. Meantime, the matter was skilfully agitated among the settlers, who were convinced that an organization was becoming inevitable; and the time for action being now ripe, the committee called a mass meeting to be held May 2d at Champoeg to hear their report.

The number of American and Canadian settlers that assembled on the appointed day was about equally divided. After the report of the committee, which was in favor of organization, had been read, a motion to accept it was made. Thereupon considerable confusion ensued, and it was found impossible to count the ayes and noes without a division of the meeting. This being done, it was found that a small majority was in favor of organizing a temporary government, whereupon the minority withdrew.

The report of the committee was next taken and disposed of article by article, the result being the election of a supreme judge, recorder, sheriff, four magistrates, and four constables. Military officers were also chosen, and a legislative committee, consisting of nine members, whose duty it was to draft a code of laws, the 5th of July being appointed as the day on which to receive their report. At the appointed time the meeting assembled, and adopted the several reports on the judiciary, ways and means, military affairs, land claims, and the division of the territory into districts. The legislative power was vested in a committee of nine persons, to be elected annually. The judicial power was vested in a supreme court, consisting of a supreme judge and two justices of the peace.

The question of an executive had troubled the minds of the legislative committee not a little. Such a head was necessary, and the committee solved the difficulty by recommending the appointment of an executive committee. This article of the proposed code caused considerable debate, but the plan was finally adopted, David Hill, Alanson Beers, and Joseph Gale, none of whom had influence enough to be dangerous, being elected the members of the first executive committee.

As regards the military law, it provided for one battalion, divided into three or more companies of mounted riflemen. With the consent of the executive committee, White, as an authorized agent of the United States, might call on these troops to quell uprisings of the Indians.

The law of land claims was the most important of all to those who were in favor of organization. It required that each claimant should designate the boundaries of his claim and have the same recorded in the office of the territorial recorder. Improvements must be made on the land within six months after recording, and the claimant was required to reside on it within one year thereafter. No one could hold a claim of more than one square mile, or its equivalent in acres in an oblong form. The fourth article was designed to extinguish John McLoughlin's claim at Oregon City It forbade all persons to hold claims upon city or town sites, extensive water privileges, or other locations necessary for mercantile or manufacturing purposes. When the motion was put to adopt the law as a whole, considerable argument arose, as the mission laid claim to a portion of the land and had erected mills on the island at the falls. In order to meet the emergency and satisfy the mission, a proviso was introduced to the effect "that nothing in these laws shall be so construed as to affect any claim of any mission of a religious character, made previous to this time, of an extent not more than six miles square." Thus early was legislation perverted in the name of religion.

A committee composed of Jason Lee, Harvey Clark, and David Leslie was chosen to administer the the oath of office to those who were elected on May 6th, and also to the supreme judge, who thereafter would qualify all civil and military officers elected by the people. The oath of office was also administered the same day to the three members of the executive, and the business of starting the machinery of the first government of Oregon was concluded.

As I have already mentioned, the immigration of 1843 greatly swelled the number of the settlers. The new-comers were a people of pronounced character, and their leaders aspired to the achievement of founding a state. On their arrival they eagerly discussed the laws that had been passed, of which the land law was the most important. Thereby it was enacted that new settlers should record their claims within twenty days after locating them, while old settlers were allowed a year. This was regarded as unjust discrimination; and the proviso allowing the missions six miles square indicated the grasping disposition of the missionaries. Nevertheless this sect was of all religions usually the most popular on the western frontier; and many of the immigrants of 1843 being zealous methodists attached themselves to the missionary party

But most of the leading men were not hampered by religious allegiance, and these openly exhibited a preference for the officers of the fur company, whose friendship and respect they had gained by their true manliness.

The Hudson's Bay company recognized that some form of government had become necessary, but they could not bring themselves to the point of rendering allegiance to the United States. They, therefore, were in favor of a temporary government, independent of that power, which plan was approved even by some of the Americans. The majority, however, were opposed to such a compromise—the missionaries, because in the event of a union of the two nationalities, they would be unable to hold a leading position in affairs; and others through motives of patriotism.

According to the organic law the election was held on the second Tuesday of 1844, at which W. J. Bailey, Osborne Russell, and P. G. Stewart were chosen for the executive; the legislative branch was composed of P. H. Burnett, M. M. McCarver, David Hill, Mathew Gilmore, A. L. Lovejoy, Daniel Waldo, T. D. Kaiser, and Robert Newell. Bailey had been in Oregon since 1835. He was of English birth, of liberal education, and well adapted to the position. Russell was a native of Maine, and had been several years in the mountains with the fur companies. He was a man of education, refinement, and unswerving integrity.

The executive message to the legislature recommended that several alterations should be made in the organic law, and also contained various good suggestions. Much of the work of the previous year was undone by the legislature of 1844. By an act of June 27th the executive power was vested in a single person, to be elected at the next annual election, and to hold office for a term of two years. The legislative power was vested in a house of representatives, consisting of thirteen members, nine being thought too small a number, in view of the increased population. The judiciary system was also changed, the judicial power being vested in circuit courts and justices of the peace, while a judge with probate powers was to be appointed, whose duty it should be to hold two terms of court in each county, annually.

One of the conditions insisted upon by the old colonists, in consenting to the organization of a government, was that they should not be taxed. But a regular government could not be sustained without a revenue, and the ways and means act called for a tax of one.eighth of one per cent upon the value of merchandise brought into the country; on improvements on town lots; on mills, private carriages, clocks, watches, horses, mules, cattle, and hogs. Every white voter, moreover, had to pay a poll-tax of fifty cents. The same act provided that any person refusing to pay taxes should have no benfit from the laws of Oregon, and should be disqualified from voting. This pressure was effectual; few were willing to forego the assistance of the government in preventing trespass and collecting debts, or to be placed outside the pale of politics and society.

The land law was repealed, and the obnoxious discrimination between old and new settlers done away with by dispensing with the custom of recording claims, which was considered a doubtful privilege, as the country was unsurveyed. Only free men over eighteen years of age could legally claim 640 acres, though a boy under eighteen, if married, could hold land; occupancy was interpreted as actual residence by the owner or his agent. But the great change desired by the people was to disallow the right of missions to hold six miles square of land, and as three-fourths of the legislature were new-comers—the ninth member not having been elected—this was effected, and the missions placed on the same footing with other claimants.

The seat of government was established at Oregon City, called in the act Willamette Falls, and the Columbia river declared to be the northern boundary of the territory; but this last act caused such an outburst of popular opposition that at the second session, in December, an explanatory act was passed, defining the territory of Oregon as lying between latitudes 42° and 54° 40′, and extending from the Rocky mountains to the sea.

Slavery was forbidden in Oregon, and laws were enacted bearing upon that question. Neither could the presence of the free negro or mulatto be tolerated; and to rid the country of this objectionable element it was enacted that corporal punishment should be inflicted on all black men of eighteen years and upwards, who had had not left the territory within two years after the passage of the act. Such a law, however, conflicted too glaringly with the spirit of free institutions, and it was amended at the December session. The section making whipping the punishment for remaining in the country was repealed, and one substituted, providing for the hiring out of such offenders, to any person who would give bonds to remove them out of the territory within the shortest possible space of time, availing himself of their services by way of compensation. During the two years that this law remained inoperative, changes occurred in the territory which did away with the motive for enforcing it.

Another act passed at the December session, provided for the holding of a constitutional convention, and the executive committee was required to notify the inhabitants that at the next annual election they should give their votes for or against the call for a convention to frame a constitution. This act was unfavorably regarded by the admirers of the original organic law, being considered a movement toward an independent government; but considering the slowness with which the settlement of the boundary question was proceeding, the acts of December showed a determination to perfect, as rapidly as possible, a government which would be able to cope with whatever exigencies might arise.

The expenses of this incipient government were extremely small. The salary assigned to the future governor was only $300 a year, and the pay of the executive committee the same amount, that is, $100 to each member. The legislative committee voted themselves two dollars a day, and the same for the assessor of revenue. The whole expenses of the government during the first year amounted to $917.96, to meet which there were $358.31 in the treasury, the tax-collector not having yet completed his labors. This was less than fifty cents for each individual of the country, the number of the inhabitants being 2,109, according to the census taken that year by order of the legislature

It may be considered that there were now but two prominent parties in Orégon, the American and the independent, the latter including the Canadians. There were four candidates for the governorship, A. L. Lovejoy, George Abernethy, Osborne Russell, and W. J. Bailey. Lovejoy represented the American, Russell, the independent, and Abernethy, the now feeble mission party. At the convention which was held at Champoeg, April 8, 1845, Lovejoy obtained the greatest number of votes; but before the election, the independents, seeing the impossibility of securing the office for their own candidate, went over to Abernethy, who accordingly became governor.

The call for a constitutional convention was lost by a considerable majority.

The legislature held that it was not a constitutional body, because the organic law under which it had been created had never been submitted to the people for approval. During the session, however, the organic and other laws were revised, especially the land law, which was incorporated in the organic laws. It was much altered in its construction, no discrimination being made in regard to color, nationality, age, or sex. The revised organic law was called a compact instead of a constitution.

On July 5th the legislature adjourned to meet again on August 5th. A special election was held July 26th, at which the people were made acquainted with first, the original laws enacted July 5, 1843; second, the amended laws; and third, a schedule declaring the governor and legislature elected in June, the officers to carry into effect the amended organic laws. As there was no printing-press in Oregon manuscript copies of each law were made and read three times at every polling place. The majority were in favor of the amended laws, and the list of officers elected in the previous June was over two hundred.

The leading spirit in the legislature of 1845 was Jesse Applegate, whose fidelity to his trust is stamped upon their proceedings. Early in the first session a memorial to congress was prepared, setting forth the condition and wants of Oregon. It was given to Indian Agent White to be carried to Washington, whither he was proceeding to obtain an adjustment of his accounts, no funds having been placed at his disposal wherewith to reimburse himself for expenses incurred in the Indian service.

White's aspirations to the governorship had been disappointed by the turn which affairs had taken in Oregon, as well as by the change in the administration which had occurred at Washington. Moreover, circumstances occurred shortly after his departure that excluded him thereafter from taking part in politics in Oregon. The speaker, M. M. McCarver, had not at first attached his signature to the copy of the organic law which accompanied the memorial, because he was opposed to the amended form. Just before White's departure, however, he clandestinely added his name to it as speaker of the house. As soon as White had started on his journey, Barton Lee exposed the affair to the house, and a messenger was sent after him to bring back the documents. The Indian agent defiantly declined to relinquish them, and proceeded on his journey. This ended White's career in Oregon. Resolutions were passed declaring him to be not a proper person to fill any office in the country, and attested copies forwarded to Washington, which action, with the changes that had occurred in the capital, defeated his aspirations.

During the first session Governor Abernethy was in the Hawaiian islands, but by the opening of the second session he had returned, and sent in his first message. In 1841 the United States vessel *Peacock* was lost inside the bar of the Columbia, and the commander, Wilkes, left the launch with all its rigging in care of McLoughlin until called for by some person authorized by him or by the government of the United States. The legislature, however, considered that the new government was the proper custodian of the boat, and asked McLoughlin to deliver it up, which he declined to do. At the third session an act was passed authorizing the governor to take charge of the launch, and demand possession of the rigging. Abernethy addressed a letter to McLoughlin enclosing a copy of the act, and requesting him to make the delivery, McLoughlin again declined to surrender the boat, and the matter threatened to become serious. It was finally settled by his placing the launch and its rigging in the hands of Lieutenant Howison of the United States navy, who sold it to a Mr Shelly for the avowed purpose of using it as a pilot boat. In this affair the Oregon legislature acted on the principle that, as the representatives of the people, they had a right to take charge of the United States property.

Early in the session a bill was passed adopting the statutes of Iowa so far as they were applicable to the circumstances of the country, and the next step was to extend the jurisdiction of the government to the territory north of the Columbia. This was done by creating the district of Vancouver, embracing all the region north and west of that river. And now came the matter of apportionment, in which connection arose the important question whether the Hudson's Bay company would become parties to the articles of the compact by the payment of taxes. The subject was broached to McLoughlin by Applegate, and under the circumstances the former deemed it prudent to comply. In June McLoughlin had received a communication from the directors informing him that in the present state of affairs the company would receive no protection from the government, and must protect itself as best it could. McLoughlin and Douglas considered that the best means to secure the company's property would be to join the Americans in their organization of government, and agreed to do so provided they were called upon to pay taxes only on their sales to settlers. This condition was accepted, and the officers of the fur company, with all the British residents, became parties to the compact. In the election of officials James Douglas was chosen district judge for three years, and John R. Jackson was made sheriff of Vancouver district. This arrangement was most opportune.

A few days after McLoughlin and Douglas had given their consent, Captain Park of the royal marines arrived from Puget sound with a letter from Admiral Seymour in command of the British squadron in the Pacific, informing McLoughlin that protection would be given to British subjects in Oregon;

and about the 1st of October the *Modeste*, Captain Baillie, sent by the admiral for that purpose, anchored in front of Vancouver. Had this occurred a short time before, McLoughlin would not have agreed to the union, and war would probably have been the result. As it was, his conduct was severely condemned by the authorities. Among other accusations, he was charged with having pursued a policy which encouraged the introduction of American settlers into the country until they outnumbered the British. His answer was that while he had done some things purely for humanity's sake, he had, nevertheless, always intended to avert, and had averted, a collision by displaying courtesy and kindness to the American immigrants. In joining the political organization, he had done what he deemed for the best, no less the best for the company than for humanity. In 1843 he had informed the directors of the threats against Fort Vancouver, and asked for protection; receiving none, he did not see how he could have acted otherwise. And now, weary of a responsibility which increasing years made doubly burdensome, and feeling himself somewhat too jealously watched by the British government, in the autumn of 1845 he tendered his resignation, and in the spring of the following year took up his residence in Oregon City with the intention of becoming an American citizen. He was succeeded at Fort Vancouver by Peter Skeen Ogden, while James Douglas was established in command of Victoria, Vancouver island.

The aspect of affairs in the spring of 1846 was so significant of England's intention to maintain her claim to Oregon that, though in the amended organic law the subject of military organization had been neglected, some spirited citizens called a meeting at the house of David Waldo, in Champoeg county, and organized a company of mounted riflemen, with Charles Bennett as captain.

About the same time the British frigate *Fisgard* arrived at Nisqually, there to remain as long as the war-cloud threatened. In fact, the boundary question had now reached the point where it would have to be settled, and England finally accepted the 49th parallel. During the process of adjustment, and before the cry of fifty-four forty or fight had died away, the joy and exultation of the colonists were unbounded. But when copies of the treaty reached them, and it was realized that the 49th parallel, instead of the 54° 40′ line, was the boundary agreed upon, and that the Hudson's Bay company was confirmed in the possession of lands and other property which it held in the territory, dissatisfaction was general. The treaty was so unpopular in Oregon that instead of healing, it intensified hostilities.

A memorial to congress was prepared which, after calling attention to the great productiveness of the territory, proceeded to state that the colonists had been induced to undertake the difficult journey to Oregon by the promise of the government that their lands should be secured to them, and they asked that their claims might be confirmed. They, moreover, required schools, a steam tug-boat for the navigation of the Columbia, and a railroad to the Pacific, and solicited the aid of government to procure them.

An election was held in June 1847, and Abernethy again chosen governor. He was a native of Aberdeen, Scotland, though reared under American institutions; a man less strong than politic; indeed, his strength lay in the direction of White's—adaptability and persuasiveness. He was very careful not to offend public opinion, either in a religious or political point of view, and therefore could not exercise much influence for any length of time. Courteous in demeanor, he was reticent, designing, and implacable in his hatred, as weak men often are.

During the following year Cornelius Gilliam was appointed superintendent of postal affairs, and Charles

E. Pickett Indian agent. Another memorial was mailed to the general government, complaining of neglect. As Oregon could not agree on a delegate to Washington, J. Quinn Thornton secretly departed thither by sea as agent of Abernethy. This made the people angry, and they sent Joseph L. Meek overland with despatches. Thornton reached Washington on the 11th of May, 1848. The letters with which he had been provided by Abernethy secured for him a friendly recognition, and but for the appearance of Meek, the duly authorized messenger of the colonial government, he would have received some consideration.

On the arrival of Meek, whose mountain costume and rugged appearance attracted much attention in Washington, President Polk laid before congress a special message on the Oregon question, in which he quoted some passages from the memorial brought by Meek, touching upon the neglect of congress. Again he called attention to the want of a territorial organization, and recommended that a regiment of mounted men should be raised for service in Oregon, and Indian agents appointed for the different tribes.

On the 31st of May Senator Bright of Indiana again brought up the Oregon bill. After a long discussion of the slavery question, on August 2, 1848, the bill passed the house, and between nine and ten o'clock on Sunday morning, August 13th, it passed the senate, after an all-night session. Thus Oregon became a territory of the United States on her own terms.

Though Oregon had been granted a territorial organization, nothing was done on the all-important subject of land claims, except to secure the missions in the possession of 640 acres each, and deprive every one else of the title they formerly held under the provisional government. In section 14 of the territorial act it is provided that "all laws heretofore passed in said territory making grants of lands . . .

are hereby declared to be null and void." Nor was anything done for the timely relief of Oregon in the matter of troops and munitions of war.

President Polk, who had been elected on the issues of the Oregon question, anxious that the new territory should be established during his administration, appointed Joseph Lane of Indiana, governor, with instructions to organize the government before the 4th of March following. The other appointees were Knitzing Pritchett of Pennsylvania, secretary; William P. Bryant of Indiana, chief justice; William Strong of Ohio and O. C. Pratt, associate justices; Amory Holbrook, United States attorney; Joseph L. Meek, marshal; and John Adair of Kentucky, collector for the district of Oregon.

On August 20th Meek received his commission as well as that of Governor Lane, to whom he delivered it on the 27th, and on the 29th they were on their way to Oregon. Owing to the lateness of the season they were compelled to take the southern route by way of Santa Fé and Tucson to California; and after a slow and toilsome journey, and an equally tedious voyage, they reached Oregon City March 2, 1849.

On the following day Governor Lane published a proclamation making it known that he had been appointed governor of Oregon Territory and had entered upon the discharge of the duties of his office, and declaring the laws of the United States to be in force therein. Thus Oregon enjoyed one day's existence under the administration of the president whose acts were so closely linked with her history in the settlement of the boundary question.

Without noise or disturbance, the provincial government came to an end, and with its extinction died the missions' political influence. For several years the head and front of this party had been Abernethy, who after the change in affairs accumulated wealth by business ventures. But overreaching himself, after some years of prosperity, he lost his hold on fortune, and became involved in debt. In 1861–2 the flood which devastated Oregon City swept away most of what remained of his property, whereupon he removed to Portland and there remained until his death in 1877.

In 1842 threats were made by the Nez Percés to exterminate the missionaries, while the Cayuses had an evil eye on the settlers of the Willamette, as well as on the Whitman family at Waiilatpu, which resulted in the massacre of 1847. Great excitement prevailed over all the country. A military force was organized, and the dogs of war were let loose; but by the discovery of gold in California, early in 1848, avarice gained for a time the ascendency over revenge. The hostile tribes were visited by Governor Lane as soon as he had set in motion the machinery of his government in 1849.

Joseph Lane at this date was forty-eight years of age, and though not a large man, possessed a strong constitution and a tough and wiry frame. He left his parents' home in North Carolina, at the age of fifteen, to seek his fortune, settled in Indiana, and married when only nineteen. Then followed a sharp but brief struggle with poverty, which his thrift and industry quickly overcame. His rare gift of tongue soon made him a man of mark, and he was elected captain of the local militia. This distinction spurred his ambition, and he devoted all his spare hours to self-education, studying while others slept. His first business venture was the purchase of a flat-boat in which he carried freight on the Ohio. While still young he was elected to the legislature of Indiana, first to the house and then to the senate. On the outbreak of the Mexican war he enlisted as a private in the 2d Indiana volunteers, and when the regiment assembled, was chosen its colonel, being afterward commissioned brigadier-general. After its conclusion he was appointed governor of Oregon.

On July 16th the first territorial legislature assembled at Oregon City. According to the act establishing the government, it consisted of nine councilmen of three classes, whose terms expired with the first, second, and third years respectively, and eighteen members of the house of representatives, who served for one year. Provision, however, was made by the law for an increase in the number of representatives from time to time, in proportion to the increase of qualified voters, until the maximum of thirty should be reached.

Lane's suggestions as to the wants of the territory were practical. The most important of his recommendations was the one with reference to the expected donation of land, for which a memorial was made to congress. Other requests contained in the memorial related to school lands; to military and post roads; the extinction of Indian titles, and the removal of the natives from the neighborhood of the white settlements. Attention was also called to the difficulties existing between American citizens and the Puget Sound Agricultural company, the boundaries of whose extensive claim were undefined and imaginary. The government was requested to purchase the lands rightfully held by treaty in order to put an end to disputes. The next matter attended to was the laying out of the judicial districts. It was decreed that the first should consist of Clackamas, Marion, and Linn counties; the second of Benton, Polk, Yamhill, and Washington; and the third of Clarke, Clatsop, and Lewis. On September 29th the legislature adjourned.

In the autumn a rifle regiment arrived which had been enrolled for the protection of Oregon. It had come from Fort Leavenworth, and numbered about 600 men, with thirty-one commissioned officers, under the command of Brevet-colonel W. W. Loring. Two posts were established on the way, one at the fur-trading station of Fort Laramie, and another called

Cantonment Loring, three miles above Fort Hall on Snake river. The troops were quartered in Oregon City, and kept there at great expense and with much disturbance of the peace.

Soon after Major Hathaway landed his artillerymen, Major Ingalls arrived at Vancouver with instructions to establish military posts in Oregon. For the erection of barracks at Vancouver, Hathaway leased land of the Hudson's Bay company, pending the purchase by the United States of the company's possessory rights. This was also done at Fort Steilacoom, where Captain Hill established himself in August. At the end of September, General Persifer F. Smith, in command of the Pacific division, arrived in Oregon from California and approved of the selections. Smith had the welfare of the territory at heart, and made many excellent recommendations to the government.

With the organization of the territory, and the introduction of United States troops, it became necessary to appoint government reservations. The first one selected was Miller island in the Columbia, five miles above Vancouver. This reserve was declared in February, 1850, and was followed by others at Vancouver, the Dalles, and Milwaukee, on the land claims of Meek and Luelling. This appropriation of property gave rise to much complaint, and was resented by the founders of Oregon as an encroachment upon their rights.

Ever since the arrival of Governor Lane negotiations had been carried on for the voluntary surrender of the Cayuse murderers by their tribe. It was clearly represented to them that they need not hope for peace and friendship until the guilty parties had been given up. At last in the spring of 1850 word was received that such of the culprits as were not already dead would be delivered at the Dalles. Lane went there in person to receive them. There were five in all, Tiloukaikt, Tamahas, Klokamas, Isaiachalakis, and Kiamasumpkin. On May 22d they were tried at Oregon City, the prosecution being conducted by Amory Holbrook, district attorney. The trial lasted two days, resulting in a verdict of guilty. Sentence of death was passed by Judge Pratt, the 3d of June being appointed as the day for their execution. Catholic priests took charge of the spiritual affairs of the condemned, who at the fatal hour met their doom with true Indian stoicism. Thus justice, though slow of foot, pursued to their destruction the perpetrators of the Whitman massacre.

The first delegate to congress was Samuel R. Thurston, who was elected on the issue of the anti-Hudson's Bay company sentiment. During 1849 most of the Canadian voters and the young and independent western men were absent. This opportunity was not lost by the missionary element, which returned their democratic candidate by a large majority over his whig opponent Nesmith.

Thurston was a native of Monmouth, Maine, and graduated in 1843 from Bowdoin college, after which he commenced the study of law in Brunswick, where he was soon admitted to practise. A natural partisan, he became an ardent democrat, and was not only fearless but aggressive in his career as a political leader. In 1845 he removed to Burlington, Iowa, where he edited the *Burlington Gazette* until 1847, when he migrated to Oregon. He was a man of marked ability, gifted with great power of language, with ease fully commanding his audiences, and could, when the occasion required it, be eloquent and impressive, with no small sprinkling of sarcasm and invective.

When in congress he made a vigorous attack on the possessory right of the Hudson's Bay company, and introduced a number of resolutions designed for the purpose of putting an end to the company's very existence in Oregon. Indeed from first to last, whatever may have been his motives, whether personal or patriotic, he acted throughout with ceaseless hostility to every interest of the fur company, and to every individual in any way connected with it. He worked with extraordinary persistency, and with consummate tact and diplomacy, for the passage of the donation land law in such a form as would exclude British subjects from its benefits, and deprive McLoughlin of his claim at the falls of the Willamette.

The treatment of their benefactor, John McLoughlin, by the pioneer methodists of Oregon, and their partisans, will ever remain a foul blot upon their memory, and a stain on their religion. McLoughlin died September 3, 1857, at the age of seventy-three years. In his last illness the unhappy old man betrayed the bitterness of heart which his enemies had inspired even in his kindly nature. Shortly before his death he said to Grover, then a young man, "I shall live but a little while longer, I am an old man and dying, and you are a young man and will live many years in this country. As for me I might better have been shot—I might better have been shot forty years ago!" then, after a pause—"than to have lived here, and tried to build up a family and estate under this government. I became a citizen of the United States in good faith. I planted all I had here, and the government has confiscated my property." He then requested Grover to use his influence to obtain the property for his children. With tardy justice the Oregon legislature finally surrendered the property to McLoughlin's heirs, thus confirming the charge of injustice upon the religionists who despoiled him

Meanwhile, Thurston, though reviled in the public prints toiled on, using every effort to win favor with the people, and secure his reëlection. He exerted himself to save Meek's land claim from being made a government reservation; he secured for the Pacific coast a postage rate uniform with that of the Atlantic states; and obtained appropriations for Oregon amounting to

$190,000, of which sum $100,000 were for the expenses of the Cayuse war. Nevertheless, a reaction was setting in and all generous-minded men began to realize that there were others who could represent the public interests in congress without disgracing the country. The consequence was that Lane was brought forward as an opposing candidate. But the hand of death already overshadowed Thurston, and screened him from the humiliation of defeat. Eaten up of ambition, his health had long been failing, and as he had not spared himself, ill or well, he rapidly succumbed. He breathed his last at sea on board the *California* off Acapulco, on his return to Oregon, being then, April 9, 1851, thirty-five years of age.

The successor to Governor Lane was General John P. Gaines, with General Edward Hamilton as secretary, and Strong, judge of the third district. He arrived in Oregon August 15, 1850. General Gaines was born in Augusta, Virginia, in September, 1795, removing in early youth to Boone county, Kentucky, which state he represented in congress from 1847 to 1849. He volunteered in the war of 1812, and took part in several engagements. He served also in the Mexican war and received his appointment as governor of Oregon on his return. His arrival was not very welcome to the democrats, who sincerely regretted the removal of Lane, whom Gaines was very dissimilar to in character. Phlegmatic in temperament, he was fastidious as to his personal surroundings, a vain and narrow-minded man, pompous, pretentious, and jealous of his dignity. The spirit with which the democracy received this whig governor was ominous of the partisan warfare which quickly followed.

When the legislature met on December 2d, the most important matter decided on was the location of the capital, which was the subject of lively contest, as was also the expenditure of the appropriations for the erection of public buildings. After a warm competition, Salem was made the seat of the government, Corvallis was given the university, and Portland the penitentiary.

Upon the death of Thurston, Lane was made delegate. The question of location of the capital led to the organization of a democratic party in the spring of 1852, forcing the whigs to nominate a ticket. In 1850 congress passed an act extinguishing Indian titles west of the Cascade mountains, and appointed Anson Dart, of Wisconsin, superintendent of Indian affairs. Three commissioners were appointed to make treaties. Hostilities broke out on Rogue river, and the Indians were punished severely, Gaines, Lane, and Kearney figuring in the affair.

While at Washington in 1853 Lane was again appointed governor of Oregon, where he arrived May 16th. He soon resigned his position, however, and was again returned to the federal capital as delegate. Late in October intelligence was received that John W. Davis, of Indiana, had been appointed governor. He arrived at Salem December 2d, bringing with him $40,000 for the erection of a capitol and penitentiary.

Davis was a native of Pennsylvania, where he studied medicine. Having settled in Indiana, he served in the legislature of that state, and was three times elected to congress, during the period between 1835 and 1847. During his short term of office, which only lasted eight months, he displayed a prudence and discretion in his relations with the legislature that were in strong contrast with the officious interference by which Gaines had so much offended that body. Davis was really a good man and a democrat withal; yet George Law Curry stood so high in the estimation of the people of Oregon, that the former was advised to resign, in order that the latter might be appointed governor. This he did in August 1854, and returned to the east, where he died about five years later, Curry receiving his appointment in November 1855.

The legislature of 1853–4 enacted a militia law, constituting Oregon a military district, and requiring the appointment by the governor of a brigadier-general and other officers. Accordingly in April 1854, Governor Davis appointed J. W. Nesmith to this position, with E. M. Barnum, adjutant-general; M. M. McCarver, commissary-general; and S. C. Drew, quartermaster-general. The business of the session was, in the main, unimportant, though it is worthy of remark that four railroad companies received charters; but as the time was not yet ripe for the construction of railways, no steps were taken to carry out the intentions of the recipients.

In congress Lane was successful in the matter of appropriations, obtaining money for the expenses of the Rogue river war, as well as $10,000 to continue the military road from Myrtle creek to Scottsburg, and $10,000 in addition to a former appropriation of $15,000, for the construction of a light-house at the mouth of the Umpqua.

Governor Curry was the favorite of that portion of the democratic party known as the Salem clique. He was well suited to the position in which he was placed, and with its duties his experience as secretary had made him fully conversant. He was a Philadelphian by birth, but his father dying when he was only eleven years old, he was apprenticed to a jeweler in Boston, finding time for study and literary pursuits, for which he had a decided taste. In 1843, being then twenty-three years of age, he removed to St Louis, where, with other literary men, he published the *Reveillé.* Curry migrated to Oregon in 1846. His private life was without reproach, and his habits were those of a man of letters. His public career was marked by liberality, a courteous demeanor, and sterling probity of character. After living to see Oregon develop into a thriving state, he died July 28, 1878. Such was the man chosen to be governor of

Oregon during the remainder of her territorial existence, the most trying period of her history.

Early in April 1855 Lane returned to Oregon and was again elected delegate by the democrats, notwithstanding that the whigs and know-nothings had united against the democracy, with ex-Governor Gaines as their candidate. The native American party was largely made up of the missionary and anti-Hudson's Bay company factions, which now took the opportunity furnished by the rise of the new party, to express their long-cherished antipathies toward the foreign element. Their intemperate denunciations, however, of foreign-born settlers and the catholic religion made them odious to right-thinking people, and the democratic party did not fail to give utterance to their honest disgust at the bigotry and cant with which their principles were promulgated.

In October 1854 Indian superintendent Joel Palmer, who had succeeded Dart, was able to inform the natives of southern Oregon that congress had ratified the treaties made at the close of the war of 1853, and by February 1, 1855, all lands between the Columbia and the Calapooya mountains, and between the sea-coast and Cascade ranges, had been purchased for the United States, the Indians agreeing to remove to other localities which were to be selected for them. The reservation finally selected was the country lying west of the Coast range.

No attempt had as yet been made to treat with the Indians east of the Cascade mountains for the purchase of their lands, but in this year Governor Stevens of Washington Territory, and Palmer, who had been appointed commissioners by congress, made treaties with the Nez Percés, Yakimas, Cayuses, Walla Wallas, and Umatillas. Separate reservations were assigned to the Nez Percés and Yakimas, while the Cayuses, Walla Wallas, and Umatillas were collected on one reservation in the beautiful Umatilla country. Palmer then treated with the John Day, Des Chutes, and Wascopan Indians, purchasing all the lands lying between the summit of the Cascade range and Powder river, and between the 44th parallel and the Columbia. A reservation was set apart for these tribes at the base of the Cascade mountains, directly east of mount Jefferson. Although the superintendent hoped that at last he had procured peace for Oregon, war was again brewing before midsummer, 1855, in the southern part of Oregon, tribes of the Rogue river nation being the immediate cause.

Hard-contested battles were fought, in which the natives were generally defeated, though the Americans had not always cause for congratulation. Fresh troops were called into the field by proclamation of Governor Curry, and a large force of regulars appeared upon the scene. General Wool visited Oregon and organized a campaign, and the war was bitterly carried on under the active operations of generals Lamerick and Ord. The volunteer companies were not idle meantime, and a multiplicity of battles was the result of their eager pursuit of the foe.

The last important conflict occurred May 27th and 28th, Captain Smith in command of Fort Lane, which had been established near Table rock, with eighty men, dragoons and infantry, being furiously assailed by Chief John on the bank of the Illinois, a branch of Rogue river. But for the timely arrival of Captain Augur, Smith's command would probably have been annihilated. As it was, he lost twenty-four men in killed and wounded, and Augur two men killed and three wounded, making a total loss of twenty-nine.

Superintendent Palmer labored hard for the public good, and during his term of office removed from the Willamette valley about 4,000 Indians. Nevertheless, being of the American party, no matter how honestly and conscientiously he worked, he could not please the democratic legislature, which in the spring of 1856 petitioned for his removal. He was succeeded by A. F. Hedges, an immigrant of 1843. Palmer ran for governor of Oregon in 1870, but was defeated by L. F. Grover. He died in 1879 at his home in Dayton.

Very little business was transacted by the legislature of 1855-6, but during the latter year republican sentiments grew apace, and when the assembly met in December, though it was still largely democratic, there were enough opposition members to infuse life into the new movement which had been inaugurated to exclude slavery from a free territory. Another question which was evidently destined to arouse a close contest was the exclusion of free negroes from Oregon. At this session an act was again passed to take the sense of the people with regard to the holding of a constitutional convention.

Republican clubs continued to be formed, and on February 11, 1857, a convention was held at Albany, and the free state republican party of Oregon was organized, the main principles of which were announced to be: the perpetuity of the American union; resistance to the extension of slavery in free territory; the prohibition of polygamy; the admission of Oregon into the union only as a free state; and the necessity of all honest men, irrespective of party, uniting to secure the adoption of a free state constitution in Oregon.

In conformity with the instructions of the legislature, Lane had brought before congress a bill for the admission of Oregon into the union, and in the session of 1856-7 a bill authorizing the people to form a constitution and state government passed the lower house, but failed in the senate. Such was the position of affairs in the spring of 1857, the territory being half admitted as a state.

In June 1857 was held the most important election that hitherto occurred. The people were now called upon to lay the foundation of a state, and decide upon matters affecting the interests of the commonwealth for all time. Lane was again returned delegate to congress, defeating the free-soil democrat, G. W. Lawson, supported by the republican party ; and 7,617 votes were cast in favor of a constitutional convention, with 1,679 against it.

The convention assembled August 17th at Salem, and continued in session four weeks. More than one-third of the delegates were republican, but the debates on all subjects were conducted with fairness and deliberation. With regard to the all-important questions of slavery and the admission of free negroes, it was agreed to leave their decision to the people. Most of the provisions of the constitution framed by this convention were wise and politic, though a little more liberality might have been displayed with regard to the immigration of white aliens, which the legislature was granted the power to control, and also to the status of negroes, mulattoes, and Chinamen, who were excluded from the right of suffrage.

On November 9th the people decided at the polls upon the constitution and the other questions. About 10,400 votes were polled. The vote on the constitution resulted in a majority of 3,980 in favor of its adoption. Against slavery there was a majority of 5,082, and against the admission of free negroes into the territory one of 7,559 votes. The fact is that the democrats, when they found that they could not have the negro among them as a slave, were determined that they would not have him at all.

The legislature of 1857–8 labored under the disadvantage of not knowing how to conform its proceedings to the will of the general government. Although not yet admitted into the union, a portion of the members were in favor of regarding their assembly as a state body. After the transaction of some miscellaneous business, the legislature adjourned December 19th, to meet again on January 5, 1858.

In anticipation of admission to statehood, at the June election of that year a state legislature and government officers were chosen. There were three parties in the field, the Oregon democrats, the national democrats, and the republicans, the thorough organization of the first-named faction securing for it the victory. L. F. Grover was elected state representative to congress; John Whiteaker governor; Lucien Heath secretary; J. D. Boon treasurer; and Asabel Bush state printer. The district judges chosen were Deady, Stratton, Boisé, and Wait. The only republican elected was Mitchell, prosecuting attorney for the 2d district, A. C. Gibbs, H. Jackson, D. W. Douthitt, and B. Hayden being those chosen for the 1st, 3rd, 4th, and 5th districts. The state legislature consisted of twenty-nine democrats and five republicans in the lower house, and twelve democrats and four republicans in the senate. According to the requirements of the constitution, the state legislature met July 5th and chose Joseph Lane and Delazon Smith United States senators. On the 8th Governor Whiteaker was inaugurated, Judge Boisé administering the oath.

Oregon had placed herself in an anomalous position, for in four weeks' time it became known that she had not been admitted. It was, therefore, determined not to hold the September term of the state legislature, and as the territorial administration must continue during the suspension of the state government, the usual session of the legislature was held in December and January. Little business, however, was transacted, beyond amending a few previous acts, and preparing memorials to congress, with petitions respecting roads, the mail service, and other matters. On January 22d the assembly adjourned.

The admission of Oregon was warmly agitated in congress, and the democratic party, aided by certain republicans, finally succeeded in securing the passage of the enabling bill on February 12, 1859, the president approving it on the 14th, on which day Lane and Smith presented their credentials to the senate, and were sworn in, the seat of the latter becoming vacant in less than a month. Thus Oregon was at last enthroned as a sovereign state, the news of which event arrived toward the close of March.

The congressional act of March 3, 1859, extending the laws and judicial system of the United States over Oregon, provided for the appointment of one United States judge, Matthew P. Deady being chosen to fill that office. His former position as district judge was filled by P. P. Prim. As it was uncertain whether the decisions of the district judges would be valid under the act passed by the state legislature before the admission of Oregon, on May 16th Governor Whiteaker convened the legislature, which proceeded to complete the state organization and regulate the judiciary. Having passed a few acts, one of which called for a special election to be held June 27th for the choice of a representative to congress, the legislature adjourned.

On the 21st of April of this year the republicans met in convention, and having brought forward their platform, proceeded to ballot for a representative to congress, David Logan receiving a majority of votes. The democratic nominee was Lansing Stout, who at the election defeated Logan by only sixteen votes—a result which astonished both parties, and clearly indicated the waning influence of the democracy.

According to the provisions of the state constitution, the legislature and state officers were to be elected biennially, on the first Monday in June. As the first election was held in 1858, the next could not take place before June 1860. At that election George K. Sheil was chosen representative to congress, defeating Logan, who was again the republican candidate, by 104 votes.

The candidates for the senatorships were Delazon Smith and Lane, democrats; Judge Williams and J. W. Nesmith, independents; and E. D. Baker, republican. The democrats soon realized the fact that they would be unable to return two senators without accepting Smith, who had fallen into great disfavor through his adherence to Lane, who was already dethroned in public opinion. Indeed, the legislature of 1859 had preferred to leave Smith's seat vacant rather than re-appoint him. Accordingly, Nesmith and Baker were elected, the latter for the short term.

Joseph Lane was aspiring to the presidency of the United States, and blinded by partisan zeal and the flattery of southern men, staked everything on the desperate hazard of being nominated at the national convention to be held at Charleston in 1860. At the same time he lent himself to an unscrupulous scheme said to be entertained by the senators of the Pacific coast, which was to establish a slave-holding republic, similar to the ancient republic of Venice, the plan, while it provided for an elective executive, vesting all power in hereditary nobles. Universal suffrage was to be repudiated, and labor was to be performed by persons of the dark races, who, being invited to California, were to be reduced to slavery. The discovery of this plot caused mingled indignation and alarm.

When the news of the proceedings of the Charleston convention, of the secession of the extreme southern states, and their nomination of Lane to the vice-presidency, reached Oregon, a strong revulsion of feeling set in among all of the democratic party who were not strongly pro-slavery in principle. Slowly and reluctantly the people realized that Joseph Lane had betrayed them. Before November 6th intelligence arrived of great republican victories in the north and west, and on that day the vote was cast for president. By the 9th it became certain that the state had gone republican. On December 5th the republican presidential electors, T. J. Dryer, W. H. Watkins, and B. J. Pengra met at Salem and cast the electoral vote for Lincoln, Dryer being appointed to carry the news to Washington.

Tidings of the fall of Fort Sumter did not reach Oregon until April 30, 1861. By the same steamer which brought intelligence of the breaking out of hostilities, Lane arrived and met with a fitting reception. At Portland indignities were heaped upon him, while at Dallas he was hanged in effigy. He retired into obscurity, living for many years on a mountain farm with but a single servant. In 1878, at the persuasion of his children, he removed to Rosebury, Douglas county, and being heartily welcomed, in 1880, at the age of seventy-nine years, nominated himself for state senator, but was somewhat rudely rejected and reproved. He did not long survive this rebuff, which moved the aged politician to tears. His death occurred in May of the following year.

The first telegraphic despatches transmitted across the continent, conveyed the intelligence that E. D. Baker, Oregon's republican senator, had fallen at the battle of Ball Bluff, on October 21, 1861. Baker was an Englishman by birth, being born in London, in 1811. When five years of age he came to America, where he learned cabinet-making, and afterward studied law in Carrollton, Illinois. For ten years he was a member of the legislature of that state, and in 1845 was elected representative in congress. During the war with Mexico he fought under Taylor on the Rio Grande, and later was present at the capture of Vera Cruz and the battle of Cerro Gordo, where he took command of General Shields' division, after that officer was seriously wounded. In 1852 he arrived in California, where he practised law, and thence removed to Oregon.

Baker's vacant seat in the senate was filled by the appointment of Benjamin Stark, by Governor Whiteaker. Stark's disloyal proclivities caused the senate to hesitate before admitting him, and after he had been allowed to take the oath of office in February 1862, he was finally impeached. He was not expelled, however, as his term ended with the meeting of the Oregon legislature in September. He was succeeded by Benjamin F. Harding, who was sworn in when congress met in December of that year.

By an order in September 1858 the Pacific coast was divided into the departments of California and Oregon, the latter under the command of General W. S. Harney, with headquarters at Vancouver. This change gave great satisfaction to the people at Vancouver, and Harney made himself at once popular by opening the Walla Walla valley to settlement, that section having been closed since 1855. During the following summer about 2,000 settlers took up claims in this and the Umatilla valleys.

In 1859 the Snake river Indians began to be troublesome, attacking immigrants and committing depredations on the reserves of the treaty Indians, and in the spring of 1860 two joint expeditions were sent into the country traversed by the predatory bands, under the direction of Major E. Steen. With the exception, however, of diverting the attention of the hostile natives from the immigrants of that year, he accomplished nothing, the Indians successfully eluding him. In September the companies were distributed among the several posts, but no sooner were they settled in their quarters than Major Grier, in command at Fort Walla Walla, was notified by the Indian agent on the Umatilla, that between Salmon Falls and Fort Boisé about fifty persons had been killed, or scattered throughout that desolate region to perish of starvation.

Before the conclusion of the civil war fortifications were erected at the mouth of the Columbia, one on Point Adams on the south side of the entrance, named Fort Stevens, after General Stevens, who fell at the battle of Chantilly, and another on Cape Disappointment, on the north side, which, in 1874, was called Fort Canby, in honor of General Canby, who was assassinated by the Modocs in the war of 1872–3.

In 1862 the republicans carried the election of all their principal candidates by a large majority, Addison C. Gibbs being chosen governor. Benjamin F. Harding was elected senator in September, to succeed Stark, whose term would soon expire. During the administration of Gibbs many important matters were subjects of legislation. The legislature of 1864 passed a specific-contract law, which provided that no money could be paid in satisfaction of a judgment other than the kind specified in such judgment, and that gold and silver coins of the United States should be received at their nominal values in payment of every judgment, decree, or execution. At a special session in 1865 another law was enacted which removed every impediment to the exclusive use of metallic currency. In 1862 an act was passed for the location of the lands donated to the state by congress, amounting to nearly 700,000 acres, Governor Gibbs being appointed commissioner to locate such lands and designate the purposes to which they should be applied. The boundary line, moreover, between Oregon and Washington, on the 46th parallel, from the bend in the Columbia to Snake river was surveyed; and much was done to further the construction of public roads. A code of civil procedure was prepared by a commission consisting of Deady, Gibbs, and Kelly, and accepted in 1864; in 1866 Chinese miners were required to pay a license of four dollars per quarter.

The amendments to the constitution of the United States abolishing slavery and extending the right of suffrage to Africans naturally interfered with the laws of Oregon against negroes. The amendments, however, were adopted by joint resolution December 11, 1865, and the clauses of the constitution of Oregon, discriminating against the negro as a citizen of the state, were rendered void. Governor Gibbs' term of office expiring in 1866, George L. Woods was chosen at the election of that year to succeed him, defeating James K. Kelly, a democrat of the old school.

In 1865 life in Oregon was unsafe on account of the Indian raids, and early in the spring the troops were called upon to take the field. Colonel Curry had succeeded to the command of the military district of Columbia, owing to the death of General Wright, who was drowned while en route to Vancouver to assume the command, the steamer *Brother Jonathan*, on which he had taken passage, foundering at sea. Curry distributed the troops at nine different camps scattered over western Idaho and eastern Oregon, but for all this precaution the country still suffered from depredations.

Before Curry's plan for a winter campaign could be tested, orders were received to muster out the volunteers, and by June, 1866, the whole of that force was disbanded with the exception of company B of the 1st Oregon cavalry, and company I, 1st Oregon infantry. In February of that year Major-general Steele took command of the department of the Columbia, with no better success than his predecessor. All through the summer the ubiquitous Indians continued their depredations, attacking lonely houses, driving off the horses and cattle of the stock-raisers and of the stage-lines and transportation companies, murdering white men, and killing Chinamen, between fifty and sixty of whom were slaughtered at Battle creek in May. Having struck their blow the raiders generally succeeded in escaping with their booty to some secure retreat.

In the autumn General Halleck, in command of the division of the Pacific, visited eastern Oregon going to Fort Boisé; but travelling with an escort on the well-protected Chico route, at a time when the Indians were occupied in gathering seeds and roots for their winter supply, he saw nothing to cause apprehension. On October 7th a joint resolution was passed by the legislature to the effect that, if the general government did not send troops for the protection of eastern Oregon within thirty days from that date, the governor should call out a sufficient number of volunteers for that purpose.

As the year drew to a close Lieutenant-colonel George Crook was ordered to relieve Major Marshall who was in command of the Boisé district. All the most efficient officers had come to the conclusion that the most favorable time to fight the Indians was during the winter. About the middle of December Crook took the field, and during the succeeding campaigns, which were continued into midsummer of 1867, he inflicted several severe blows upon the Shoshones. In these successes he was greatly aided by two companies of Indian allies, each fifty strong, which had been organized by Governor Wood with the permission of the general government.

In August 1867 some changes were made in military dispositions, and Crook was assigned to the district of the lakes, comprising Fort Klamath, and camps Watson, Warner, Logan, and Harney. In the last days of September, Crook engaged the enemy after a difficult march of four weeks, storming an almost impregnable stronghold on high lava bluffs overlooking the south branch of Pit river in California. Though he succeeded in dislodging the enemy after some hard fighting, the Indians effected their escape by subterranean passages. The great extent of the fissures and caverns made it too dangerous to attempt an examination of them, and on the 30th Crook moved toward Camp Warner, where he arrived October 4th.

On November 23d Steele relinquished the command of the department of the Columbia, and was succeeded by General L. H. Rousseau. Steele was a graduate of West Point, had served under Scott in Mexico, and was twice promoted for gallant conduct. During the civil war his services were similarly recognized, and at its conclusion he held the rank of brevet major-general. On leaving Oregon he was granted an extended leave of absence, but shortly afterward died suddenly of apoplexy in San Francisco.

All through the winter of 1867–8 the desultory warfare was continued, the Indians, however, being continually harassed, until, finally, the principal chiefs sued for peace. On June 30, 1868 a council was held, at which Crook made his own terms. "Do you see any fewer soldiers than you did two years ago?" he asked. "No; there are more," was the reply. "Have you as many warriors?" "No; not half so many." "Very well;" said Crook, "that is as I mean to have it until you are all gone."

While the Shoshone war was in progress, trouble was brewing on the boundary question with Califorfornia. Ever since Frémont's exploration, the Modocs and their head chief, Sconchin, had proved themselves implacable enemies of the white race, and had made themselves a redoubtable foe of the latter. In 1864, however, E. Steele, Indian superintendent of California, made a treaty with this chieftain, then an old man, and also with Captain Jack; the former observed the conditions faithfully, living within the limits of the reservation; but the latter could not be kept thereon. Indian superintendent Huntington died in 1868, and was succeeded by A. B. Meacham, who, in December 1869, induced the refractory chief to come upon the reservation. But in the following spring Captain Jack resumed his roaming life, and for two summers his followers ranged up and down among the scattered farms, visiting the houses in the absence of the men, frightening women, and committing various outrages.

In 1870 General Crook was relieved by General E. R. S. Canby, and sent to fight the Indians of Arizona, for which purpose the military posts in Oregon were almost depleted. Under these circumstances, Captain Jack became still more defiant. He frequently visited the reservation, boldly declaring that he intended to go where he pleased, and finally killed an Indian medicine man because he failed to save the lives of two members of his family. Attempts to arrest him failed through the interference of influential white friends in Yreka, where Jack was accustomed to indulge in dissipation. Negotiations likewise failed; conferences were useless; and it was finally decided that force must be used.

After committing more depredations, Jack took up his position in the lava beds, where he was beseiged by a united force of regulars and volunteers. Through subterfuge he obtained a conference with representatives of the government and people, at which General Canby and E. Thomas were treacherously slain, and Superintendent Meacham wounded. There was no more talk of peace after this; Jack and his band were hunted to their death.

The political status of the people during the trying period of Indian warfare gradually underwent a change until the democratic party gained the ascendency. This was owing to the immigration of southerners after the conclusion of the civil war. In 1866 Rufus Mallory, republican candidate for representative to congress, defeated his opponent by a majority of only 600 votes; but in 1868 David Logan, republican, was beaten by Joseph S. Smith, democrat, by 1,200 votes. In the same year, also, the democracy had acquired its former dominancy in the legislature, there being nearly twice as many democrats in both houses as there were republicans.

In 1870 the party again displayed its ascendency, by the election of L. F. Grover as governor. Grover had been president of the democratic organization of the state ever since 1864; he was reëlected governor in 1874, defeating J. C. Tolman, republican, by a small majority. In 1876 he was chosen United States senator, defeating Jesse Applegate, and in February 1877, having resigned the governorship, took his seat in the United States senate, S. F. Chadwick succeeding to the gubernatorial office.

When Grover assumed office the financial condition of the state was so prosperous, that the treasury contained funds sufficient to defray the expenses of all the departments of government for the next two years, less about $6,000. During his term various measures were adopted, all important to the welfare of the state; an agricultural college was established, as also a university, and provisions were made for the construction of a state capitol. These and other progressive measures made Grover's administration popular, while the Modoc war, which occurred during his term of office, gave to it additional éclat. The improvement in the affairs of the government was substantial and noteworthy, and at a later date credit was willingly conceded to the administration, the course of which had been temporarily clouded by unfounded charges and complaints. A full description of the governor's administration and career will be found in a later chapter of this volume.

In 1878 the republicans again failed to elect their candidate, C. C. Beekman, who was defeated by W. W. Thayer. During Thayer's term, the state debt was entirely liquidated, and the financial condition of the state rendered sound and healthy. The new governor, a native of Lima, New York, was admitted to the bar at Rochester, in March 1851. In 1862 he went to Oregon, removing in the following year to Idaho, attracted by the mining excitement, and there became a member of the legislature, returning in 1867, when he settled in East Portland and formed a law-partnership with Richard Williams.

At last in 1882 the republicans again came to the front, electing Z. F. Moody as governor over Joseph H. Smith, by a majority of 1,452 votes, and sending to congress as senator Joseph N. Dolph, after a prolonged political contest with the democracy.

Zenas Ferry Moody was a New England republican, and arrived in Oregon in 1851. He was a member of the first United States surveying party in the Willamette valley, and continued in that service for two years. In 1856 he was appointed inspector of United States surveys in California, returning to Oregon in 1862. After engaging in a variety of enterprises, in which he proved himself a capable business man, he was elected in 1872 to the state senate, and in 1880 to the lower house, of which he was chosen speaker.

Senator Dolph arrived in Oregon in 1862, where his talents soon made him prominent in his profession as a lawyer. He was educated at Genesee college, and was a native of New York. At the time of his election, being then forty-seven years of age, he was attorney for the Northern Pacific railroad company, of which he was also vice-president.

Moody's administration was marked by faithfulness and care, one absolutely free from abuses, and there are none among his predecessors who have left a more stainless record. He was succeeded in 1887 by Sylvester Pennoyer, a democrat, during whose régime a bill was introduced by the school land commissioners, whereby nearly a million dollars would be saved to the school fund through the recovery of its lands from fraudulent claimants. In the election of the following year, the free-trade issue resulted in a large republican majority, Herman being chosen congressman as successor to Dolph. At that date the finances of Oregon were in the soundest possible condition, with a bonded debt of less than $2,000, and some $54,000 in outstanding warrants.

And now, having completed this brief sketch of the political history of the state, I will proceed to relate at greater length the career of some of her leading statesmen.

CHAPTER XI.

LIFE OF MATTHEW PAUL DEADY.

> Four things belong to a judge—to hear
> Courteously, to answer wisely, to consider
> Soberly, and to decide impartially.—*Socrates.*

ORIGIN OF THE NAME—PARENTS AND THEIR CHARACTERISTICS—BIRTH, EARLY ENVIRONMENT, AND EDUCATION—REPUTATION—TEACHING EXPERIENCES—LAW STUDIES AND PRACTISE—ACROSS THE PLAINS TO OREGON—POLITICAL LIFE—INTEREST IN EDUCATION—MARRIAGE—MRS DEADY AND HER FAMILY—PRESIDENTIAL APPOINTMENT OF JUDGE DEADY—SOME NOTABLE DECISIONS—ORATORICAL ABILITY—CHARACTER.

THE subject of this study consents to tell the story of his early life autobiographically. This is gratifying, for autobiography has charms peculiar to itself; moreover, this autobiographer is one who possesses the gift of narrative—the "knack of telling."

On the threshold of his public career he lays down the pen. Speaking in the first person he says:

My father, Daniel Deady, was a native of Kanturk, county Cork, Ireland. He was born on September 25, 1794, and died on April 9, 1878. He was educated at a school, then of some local repute, in the old town of Mallow, where he was subsequently employed as a tutor. When a young man he emigrated to the United States, landing at Baltimore, where, on June 10, 1823, he married my mother, Mary Ann McSweeny, a native of that city. Her father, Paul McSweeny, was also a native of the county Cork, and her mother, Miss Chester, was a native of England.

The name is supposed to be of Danish origin, and is properly pronounced Deedy. Once, when my father was teaching in a strange neighborhood, he was asked what was the proper pronunciation of his name. He replied that genteel people called him Deedy, while the common folk said Dady. He said the result was, in that neighborhood, he was generally called Deedy.

He was a rather stern, self-willed man, with abundance of moral courage, and believed in the rule of what Walter Besant calls Father Stick. He was somewhat above medium size, and had dark hair and brown, hazel eyes. My mother was tall and fair, and so was her mother. They both had auburn hair. Her father was short of stature, and had beautiful black hair, fair complexion, and blue eyes. He was a cabinet maker in early life, but had become a trader and shop-keeper long before my time. For some years after coming to the United States my father followed teaching, and wherever he went was known as the industrious schoolmaster.

I was born on May 12, 1824, near Easton, in Talbot county, Maryland. My parents had five children, of whom I was the eldest. I went to school to my father most of the time until I was twelve years of age. In 1828 we moved from Baltimore to Wheeling, West Virginia, where my father was employed to conduct the Lancasterian academy—a large school, with one teacher and many monitors. The system was called the monitorial or Lancasterian. My father had fitted himself for it before coming to the United States. As I remember it, the rod was an important part of it. My father bought property in Wheeling of old Noah Zane, the proprietor, on which he built houses to rent. Wheeling was our home or resting place for some years, but in the latter part of this period my father was engaged in teaching near Cincinnati, Covington, Kentucky, and Rodney, Mississippi, taking the family with him. In the fall of 1833 we visited Baltimore, particularly to see my mother's maiden sister Eliza, who was dying of consumption. On the way back to Wheeling the former took cold and we stopped for the winter twelve miles west of Fredericktown, where my father took a school and my mother died of consumption, in the thirty-eighth year of her age, on May 31, 1834. In consequence of this the family was broken up for the time being, and I spent the greater portion of the next two years of my life with my grandfather and uncle in a store in Baltimore. Then I returned to Wheeling with my father, where I spent the time at school and in a music store until the spring of 1837, when my father bought a farm across the river in Ohio and removed there, with the view of giving his sons—three in number—the benefit of country life and labor on a farm. Thereafter I lived on a farm with him nearly four years and did my share of work, such as hoeing, mowing, reaping, clearing, chopping and hauling wood, making fence, plowing, threshing with the flail, milking cows, and taking care of stock.

Up to this time my reading, considering the scarcity of books, was considerable. It included *Pope's Iliad* and *Odyssey*, copies of which my father had brought with him from the old country, *Tales of a Grandfather* (of France), *Perigrine Pickle*, *Children of the Abbey*, *Thaddeus of Warsaw*, *The Scottish Chiefs*, *Weem's Life of Washington*, *Hume's History of England*, *The Douay Bible*, and several school readers, such as the *Enfield Speaker*, a book full of the gems of English literature, *The English Reader*, *The Columbian Orator*, and selections from Mrs Barbauld and Miss Edgeworth. But I soon grew tired of living in the country, and on some disagreement with my father I left home in February 1841, and went to Barnesville, then a thriving village, eight miles from the national road, and undertook to learn the blacksmith trade. My employer, John Kelly, was an enterprising man and an excellent mechanic. In after life he was treasurer of the county for some years, and, subsequently, was one of the founders of the busy glass and nail town of Bellaire, on the Ohio river. His wife, Mrs Rachel Kelly, was the daughter of the patriarch of the village, Dr Carolus Judkins, a quaker and a physician, originally from North Carolina. The four years I spent under the roof of this excellent woman were not without profit to me.

At that time there were no machine or factory made articles in use in that country, everything being made by hand. The shop was a large one, containing three fires. We did all kinds of work—such as ironing wagons and buggies; making edge tools, from a broad axe to a pump augur or plane bit; farm tools, from a plow to a hoe; mill irons, saw and grist; all kinds of chains, bridle bits, and harness irons, horseshoeing, and all kinds of repairing.

I made a verbal agreement to serve for four years, in consideration of which I was to be boarded and lodged with the family, and to receive $36 the first year, $48 the second, and $60 the third, and six months' schooling. The compensation for the last year was left to be fixed according to the progress I had made when the time came. It was then fixed at $84, which was considered quite a compliment to my skill and industry. Out of my wages I clothed myself, bought my school books, and had a little spending money, but very little.

I attended the Barnesville academy in the winter of 1843, and was complimented by my teachers on the progress I made, and, by way of distinction, was allowed to declaim at the close of the school the extract from Wirt, "There is no excellence without great labor."

At the end of four years I had become more than an average workman and was complimented by my employer on my mechanical skill and ability. But, during my attendance at the academy, my fondness for reading and intellectual pursuits was stimulated, and I concluded to follow my inclinations in that direction. Accordingly, I attended the academy another four months in 1845, on my own account. During this time the school was conducted by Professor Nathan R. Smith, an interesting old man, the author of a grammar of the English language, and an excellent scholar. When I left school the professor gave me the following certificate, which I have preserved with great care and now regard with a species of reverence :

"BARNESVILLE, July 7, 1845.

"*To whom it may concern:*

"This certifies that Matthew P. Deady is a young gentleman of good moral habits and character. As an English scholar his attainments are respectable, and in most of the important branches extensive, such as arithmetic, mathematics, geography, philosophy, chemistry, etc. Therefore, I cheerfully recommend him as qualified to take charge of an English school. He has also paid some attention to Latin.

N. R. SMITH,
[L.S.] *Principal of the Barnesville Academy.*"

Armed with this authority I set out to find a school. But, before doing so, I went to Benjamin Mackall, a merchant of Barnesville, and then and still the first citizen of the place, and asked him for the loan of $30, wherewith to discharge some small obligations I had incurred and been unable to meet while going to school. He gave me the amount without a word, which I repaid with great pleasure within three months from the receipts of my first school, and for which, twenty-five years afterwards, I had the pleasure of sending him a copy of the first volume of my judicial reports.

Proceeding to St Clairsville, the county seat of the county, I called on the school examiner, John T. Tidball, an old lawyer and uncle of General Tidball, of the United States army, who, after giving me the usual perfunctory examination, and reading Professor Smith's testimonial, handed me a certificate, which I have preserved, and for which I gave him my last half dollar, to the effect that I was "qualified to teach writing, arithmetic, English grammar, geography, mathematics, natural philosophy, and chemistry," and that I was "a young gentleman of good moral character and sober and temperate habits, and fully competent to govern and manage a school."

I soon obtained a school in the neighborhood of St Clairsville, the tuition being payable half in subscription and half in public money. I taught this school for six months, earning thereby about $22 a month. I had as pupils two quaker girls, in whom I took great pleasure. The oldest, Miss Jane Edgerton, has since attained distinction as a teacher in that county and as inspector of prisons.

About the same time I commenced reading law with the late Judge William Kennon, of St Clairsville, a good man and a great lawyer. He had been in congress several terms in his earlier life, and was contemporary there with the famous Philip Dodridge, of West Virginia, of whom he told many interesting stories. He was then president judge of the court of common pleas, and since a judge of the supreme court of the state. In the spring of 1846 I visited Baltimore on some business connected with my grandfather's estate, in which, as one of the representatives of my mother, I had a small interest. I travelled on the stage to Cumberland, and thence to Baltimore on the Baltimore and Ohio railway. In 1833–4 I had travelled over the same road, between Fredericktown and Baltimore, in a "dead-ax" car, drawn over a flat rail, laid much of the way on granite ties, partly by steam and partly by horse-power, at the rate, probably, of ten miles an hour.

On October 26, 1847, I was admitted to the bar of the supreme court of the state, before Judges Matthew Burchard and Peter Hitchcock. I remained in St Clairsville in the office of Mr Henry Kennon, master in chancery and a brother of Judge Kennon, until the spring of 1849. In this time I had some business, mostly before justices of the peace, and was clerk of the township one year. I paid some attention to politics, made some speeches, and spent a good deal of time in the society of the young ladies. I remember these as happy, happy days.

The winter before starting across the plains I belonged to a polemic society. In view of the recent discovery of gold in California we discussed the question, "Whether mines of the precious metals are an advantage to a country in which they exist?" I was on the negative side and cited the experience of Spain and her colonies as proof that mining for gold and silver was an injury to a country. Whatever I did with my hearers, I convinced myself that I was in the right. And this, probably, had much to do with my casting my lot in Oregon, when all the world was going to California.

On April 17, 1849, I started across the plains, under very pleasant and favorable auspices, as one of the family of a gentleman of St Clairsville, who had been appointed an Indian agent for the Pacific coast, with government transportation thereto, for himself and family of six. But the arrangement for transportation fell through, and I was thrown on my resources and worked my way to Oregon.

On the morning of November 14th I got out of a canoe on the bank of the Wallamet, where the city of Portland now stands, and took a look about the place, while our Indian crew cooked their breakfast. I had breakfasted two miles below, at Guild's place, where I staid all night and slept in a house for the first time for over five months.

Portland was then in the day of small things. But even at that early day there were sea-going vessels tied to the bank or moored in the river, which signified that the place was potentially in the highway of the world. That evening I reached Oregon city—then the capital of the country, socially and commercially. There I rested a few days, and leaving my little hair trunk, which I had gotten safely across the plains, with a few books and clothes, I started on foot for Lafayette. This was then a promising young town in its third year and the county seat of Yamhill county, then and now the best agricultural country of its acres in the state. There I found Professor John E. Lyle conducting quite a large school. The people had generally been to California, and returned with plenty of gold dust. Many of them had gathered into the town, where the young people and children were enjoying the luxury of going to school.

My purse was nearly empty and the present means of replenishing it were very limited. I soon made an arrangement to go into the school with the professor for the remaining few weeks of the term for a compensation sufficient to pay my board. This done, I taught another term as an equal partner, out of which I made about seventy-five dollars per month, and a pleasant and profitable acquaintance with most of the best people of the county. Not a few boys and girls, now heads of families, remember their attendance at this school with pleasure, as a place where they got the elements of a practical education, and still speak with pride of having gone "to school to Judge Deady."

Before commencing the second term I went to Oregon city to get a supply of school books. There had just been a great freshet, and all the bridges and ferries on the road had been carried away. The only mode of travel was to take an oar on a boat, bound to the place, and laden with two thousand five hundred pounds of flour, with four other fellow passengers and oarsmen. I got aboard at Dayton in the morning and reached Oregon city the next day—staying all night at Butteville, at the Geers. I came back on the return trip. The boat was laden with "store goods" and a new crew of passengers. We were two nights and part of three days making the trip. We came near being shipwrecked at Rock island rapids, and slept in the rain one night without anything to eat.

I also acted as general adviser and aid to the county commissioners in setting the legal machinery of the county in motion; under the new territorial organization. Here, also, I made the acquaintance of my friend, Mr Ahio Watt, then clerk of the county, and one of the best and most useful men in the country.

In March 1850, Judge O. C. Pratt held a term of the district court at Lafayette, and there I made my *debut* in Oregon as a lawyer in three cases, a criminal action, a civil one, and a suit for divorce. The court was held in a large unoccupied room in Jacob Hawn's tavern. The bench and furniture were improvised for the occasion. But the dignity and order of the court, so far as the same depended on the judge, would not suffer from a comparison with Westminster hall.

The first one hundred dollars I got ahead I sent back to St Clairsville to Henry Kennon, to discharge some pecuniary obligations I was under to him and other friends, who were kind enough to help me when I left home. They had heard that I died on the plains with cholera and gave up the amount for lost, and this remittance was the first news to the contrary. The discharge of this obligation, under the circumstances, gave me great pleasure and much credit with my friends.

At the election on the first Monday in June 1850, I was chosen, without the intervention of any caucus or convention, a member of the house of representatives from Yamhill county. During the summer I took charge of the store of my good friend, Elder Glen O. Burnett, brother of Governor Burnett, of California, for a couple of months, while he went to San Francisco to replenish his stock of goods. Here I enlarged my acquaintance with the people of the county, the method of doing business, and the value of articles of commerce. Gold dust and Spanish doubloons were a large part of the currency. For small sums I took a pinch from the customer's buckskin bag of dust, while larger sums were weighed out in coffee and sugar scales, the store usually getting down weight. The Wallamet valley Indians were good customers, and in dealing with them I became somewhat proficient in the Chinook jargon.

Sometimes on Sunday I attended Campbellite or Christian meeting at the country school-house, not far from Lafayette. On one occasion I witnessed a trial there, which must have resembled, in simplicity and directness, a proceeding among the early Christians. A brother was charged with being a silent partner in a saloon, and with taking his young daughters to a dancing party. He had been labored with, and did not deny the charges, but refused to acknowledge that he was in the wrong. On that day the matter was brought before the congregation. The prosecutor, then familiarly known as Little Preach, has since been somewhat noted as a politician and journalist. As soon as the services were over, he stepped on the platform, and turning his quid in his mouth and expectorating freely, read the indictment in a harsh, hanging tone. The congregation was composed of plain, serious people, and there was much feeling and some tears among the brethren at the prospect of a feud, and mayhap a split in the body, for the offending brother was well to do and had friends. But the prosecutor insisted that it was better to lop off the unworthy member, and a rising vote was taken, both men and women participating. On the saloon question the vote was twenty for and twenty-two against expulsion, while on the dance question it stood twenty-two for and twenty against expulsion ; and the church was said to be for whiskey, but against the dance. And I lived to sentence the prosecutor to pay a fine for selling liquor to Indians. So runs the world around !

In December the subject of this study went to Oregon city, to attend the session of the legislature, where he met for the first time Asahel Bush, then clerk of the house, and also James W. Nesmith. With both of them he formed an intimate friendship, which colored his after life, and which, indeed, had a marked influence on the current of public affairs, causing them sometimes to be called the triumvirate. His public career was now commenced, and he has never since been out of the harness. During this session he served on several important committees, including the judiciary, and did a large amount of work in drafting bills, writing reports, and shaping legislation in the committees of the house. At the close of the session, on the request of the secretary, General Edward Hamilton, he prepared for publication the laws then passed, and, also, certain of those of the session of 1849, making the head and side notes thereto, the whole making a volume, which was published under the direction of the secretary. This was the first volume of laws published in the territory, and is sometimes called the Hamilton code.

In the summer of 1851 he was elected member of the legislative council from Yamhill county, defeating David Logan, then a young lawyer, and subsequently a noted man in Oregon. The contest was a warm one. An opposition was developed against Deady on account of a vote he had given in the late session of the legislature against a resolution which unqualifiedly endorsed the course of the delegate, Thurston, in congress, notwithstanding the confiscation of Dr John McLoughlin's land claim at Oregon city, in the passage of the donation act. The moral courage which he showed in this case, in voting as his conscience dictated, was thoroughly characteristic of the man, and foreshadowed many other like positions which he has taken in his subsequent career. This vote displeased Thurston's friends, and just then their name was legion. This feeling was cultivated by Logan, who for his own benefit affected to be the delegate's friend. But in spite of all opposition Deady was elected by a handsome majority. He served in the council two regular sessions, and one special one, being president of the council at the session of 1852–3 and chairman of the judiciary committee at the prior ones.

He was the ruling spirit in the legislature, and took an active part in all its deliberations and proceedings.

On June 24, 1852, he married Miss Lucy A. Henderson, with whom he has lived happily ever since. She was the eldest child of Robert Henderson, a prosperous farmer of Yamhill county, who came into Oregon with his family in the immigration of 1846. Mr Henderson was born in Tennessee, and grew up in Kentucky. From there he moved to Missouri, where he met and married his wife, Miss Rhoda Holman, of Kentucky. The immediate ancestors of both were from Virginia. Judge Deady has three living children—handsome, stalwart sons. Edward Nesmith, who was born September 5, 1853, is a lawyer of good standing and ability, and considering the difference in the circumstances and opportunities, will doubtless honor his father's name and reputation, and prove a valuable member of society. Paul Robert, who was born November 20, 1856, is also a lawyer of promise. He has acted for some years as commissioner of the United States circuit court. The third son is Henderson Brooke Deady, who was born March 4, 1869. He is a talented youth of more than usual brightness, and is now engaged in the study of medicine.

Mrs Deady was born February 26, 1835, in Clinton county, Missouri, on her father's farm. In 1849 and 1850 she attended a boarding school kept by Mrs Thornton at Oregon city. Subsequently, and until her marriage, she attended Dr and Mrs Geary's school in Lafayette.

One who is qualified to speak of her says: "She is a lady of marked character, with a never-failing tact and a nice sense of propriety and the fitness of things. She carries her years lightly, and although over fifty she does not look to be more than thirty. She is of medium size and attractive in person, possessing a graceful figure and easy and agreeable manners, which take tone, it may be, from a dash of French blood in her veins. In complexion she is a decided brunette.

Her large dark eyes, beautiful hair, pleasant smile, and sweet voice distinguish her in any company. She is a favorite in society, and in her home is a model of womanly devotion and kindness. In the battle of life she has performed her part cheerfully and faithfully, and she is entitled to a share of the credit in all that her husband has achieved. Her purity of thought, elevation of purpose, and gentle wisdom exert an influence on all around her."

In the spring of 1853 Mr Deady was appointed by the president one of the judges of the supreme court of Oregon. The territory was divided into three districts, and in every county of each of these one of the judges held a district court twice a year. Judge Deady took the southern district, which included the country south of the great valley. It was rapidly filling up with a farming population from "Oregon," as the saying was, and "the states," and with miners and traders from northern California. There were no considerable towns in the country and no courts had ever been held in it.

In the summer of 1853 he paid a squatter to abandon a claim on Camus swale, in the Umpqua valley, which he took under the donation act, and moved his family there in the fall. The location was a beautiful one, and he called the place Fair Oaks, taking the name from Thackeray, whom he was reading at the time. Indeed, while on the farm, and particularly during the long winter evenings, he did much good reading, including the English periodicals, making this altogether a profitable period of his life. There he lived until 1860, dividing his time between holding courts and improving and planting his farm, laboring regularly with his own hands. He was absent from home every year about six months, on the circuit and at the capital holding court, and in so doing travelling at least fifteen hundred miles, nine-tenths of which was done on horse-back. He organized the courts in the five counties of southern Oregon, opened the records, and often wrote them up during the evening. During this entire period he never missed a court or failed to be present at the appointed hour for opening one. And this remarkable record for inflexible punctuality was made in spite of the fact that the Indian war of 1855–6 occurred at this time, during which he travelled all over the country, and generally alone. The administration of justice in his district was prompt and satisfactory to the public, The laws against crime were impartially, but firmly, enforced for both the high and the low. No man, however influential, could feel that he was above the reach of the court, and even the weakest knew that he could obtain substantial justice there. He once sentenced a white ruffian to the penitentiary for the crime of killing an Indian in an affray, a judgment unprecedented then or since in that country. An incident, illustrative of the man, I will give in his own words:

"On one occasion, on May 8, 1859, I was in Roseburg, the county seat of the county in which I lived, when a man was arrested on a charge of assault with intent to kill, after being pursued out of town and fired at by a disorderly crowd, calling itself a *posse comitatus.* The accused turned on his pursuers and fired his pistol, mortally wounding one of them, who was quite a prominent man and an aspirant for the sheriff's office. The accused was then knocked down and beaten and brought up the street, in front of the hotel, where it was ascertained that the wounded man was dying. Immediately a cry went up from the excited crowd—'Hang him! Hang him!' At this moment I came out of the hotel, where I had been with the dying man, and asked of a friend what was up. He answered, 'They are going to hang that man:' I replied, 'Not while I am here,' and started for the crowd. He warned me to keep away and attempted to restrain me. But I freed myself from his grasp, and in a moment forced my way into the center of a dense crowd of forty or fifty persons, where I found the prisoner on his knees, and his face covered with blood. One end of a lariat was round his neck, and the other end was in the hands of a mounted man, who was passing it around the horn of his saddle, preparatory to dragging the man to death. As soon as the latter saw me, he cried—'Oh! Judge, save me! for God's sake save me.' I never shall forget the look of terror and agony depicted on his bruised and blood-stained face. No time was to be lost. Grasping the loop of the lariat, which was already tightening on his neck, I threw it over his head, just as the rider started on his devilish deed. Directing the crowd to stand back, I called the sheriff to come with me and take the prisoner to jail, which he did. I never knew how I got through the crowd, but a young man of about one hundred and sixty pounds weight, told me afterwards, that he was on the outside of the ring and opposed his body to my further progress, when I caught him in my arms and threw him over my head backwards, whereupon way was made for me by the crowd. This was the only case of mob violence that occurred in the district while I was judge."

Meanwhile Oregon was increasing in population, and the subject of a state government was pushed forward, resulting at length in a general election of members to a convention for forming a constitution which was to be submitted to the people. The convention, consisting of sixty members and including the leading and substantial men of the various counties of the territory, met at Salem on August 17, 1857. Its proceedings were in the main earnest, sober and orderly, being generally characterized by a spirit of fairness and a desire to promote the public good. Thus a constitution was formed under which the people of Oregon have, for the most part lived contentedly and prosperously for over thirty years. Judge Deady, was a member from the county of Douglas, and was made president of the convention. The other judges of the supreme court, Williams and Olney were also members of the body. Although in the chair, Judge Deady took an active part in the formation of the constitution particularly in the committee of the whole, in which every debatable question was first considered and the subject took its final form. With the majority of the convention he favored the general features of the constitution, including biennial sessions of the legislature; a four years' term of office for the governor, secretary and treasurer of the state, rather than two years; making persons competent to testify without reference to their religous belief; requiring the seat of government to be located by a vote of the electors, and not otherwise; *viva voce* voting in the legislature; submitting the questions of slavery and free negroes to a separate vote of the people, although, at the same time, he expressed the opinion, that the state had no right under the constitution of the United States to exclude the latter from its limits.

Some features of the constitution which were of great value and importance to the state, were especially moulded by him. In doing this he had to overcome the force of habit which led the greater part of the convention to look upon the organic act of the territory as a precedent. Under it, the term of the judges was four years, and an alien might vote immediately on declaring his intention to become a citizen of the United States. Through his efforts the terms of the judges were extended to six years, and he lacked but one vote of making them eight, as they certainly should have been.

He was largely instrumental in adding a clause to the judicial oath of office, to the effect that the affiant would not accept any other than a judicial office, during the term for which he was elected. Notwithstanding this obligation, however, some of the judges of Oregon have cast a longing eye on the United States senate, but no legislature has as yet been found that would consent to be an accessory before the fact to the moral perjury involved in such preferment. He was not in favor of allowing an alien to vote before he was naturalized, but only succeeded in having provision made, that he should declare his intentions, at least one year before the election at which he offered to vote. He was largely instrumental in giving final shape to the provisions concerning corporations, which forbids their being formed otherwise than under general laws, and limits the liability of stockholders to the amount of their subscription to the capital stock of the corporation.

The sound, calm, and philosophical spirit in which Judge Deady viewed the many and complex problems which are involved in the making of a state are echoed in the spirit of his address to the convention at its adjournment: "I congratulate you upon the conclusion of your labors in so short a time, and with so little consequent expense to the country. For myself, while objecting to some of the provisions of this constitution, and looking to changes in time that will improve it, I accept it as it is. In reference to the question as to whether we are prepared to become a state, I have not been so sanguine as some individuals. Upon the questions of numbers and wealth, I think we are amply prepared. But a country requires age and maturity to prepare it to become an independent state and government. It is for the country to determine that question. For myself, I am willing to vote to enter on this new form of government, and the best reward I can wish you is, that your constituents may approve your labors."

The constitution was adopted by the people on November 9, 1857, by a large vote; and in June, 1858, an election, provisional in its effect on the admission of Oregon to the union, was held for the choice of a legislature and officers for the new state.

The judges of the supreme court were each elected from the district in which they lived and held courts. And the people of Judge Deady's district, notwithstanding the fact that it was a time of strong political feeling, and that he was always outspoken on public questions, recognized his eminent qualifications for the position and desired him to fill it. No one thought it worth while to run against him; he was named for judge from the southern district in which he lived and held court for nearly six years, and was elected without opposition.

On the admission of Oregon into the union, in 1859, he was appointed United States district judge. The place was acceptable to him, for he had made up his mind for a judicial career. Moreover, he practically had no option in the matter, for the position was literally forced upon him. All the leading men, who were candidates for congressional honors and state offices, and particularly his neighbor General Joseph Lane, were anxious to eliminate him from the senatorial contest, and agreed in asking him to keep out of the way and take the district judgeship. The solicitude of these candidates shows clearly how excellent were Deady's chances of the senatorship. But he did not desire the position, preferring the judicial office, and he told them so. But while the state was waiting for admission to the union, and after the congressional prizes had been drawn, and the state offices distributed, some of the persons who had been most urgent that he should accept the district judgeship endeavored to prevent his appointment. But General Lane, who had the power in the premises, was faithful to his word, and insisted on and procured Judge Deady's appointment. Upon the receipt of his commission, dated March 3, 1859, he qualified, and at the same time declined the position on the state supreme bench. In the fall of that year he opened court at Salem, the place appointed by the act of admission; but realizing that the bulk of the business peculiar to his court was likely to arise in Portland, he went to Washington by way of the Isthmus, and procured the passage of an act locating the court at Portland. "In the fall of 1860," he says, "I left the dear old farm—the domestic animals, with which I was on friendly and familiar terms; the garden, orchard, and vines on which I had labored for years—and removed to Portland, where I have lived ever since, engaged in holding the United States courts."

In the spring of 1862, he was appointed code commissioner for the state, and during the summer of that year he prepared the code of civil procedure, which was enacted by the legislature that met in the following September, substantially as it came from his hands. In the preparation of the code there were nominally associated with him ex-Senator James K. Kelly and Governor Addison C. Gibbs. They took no part in its preparation, but materially aided in its passage, the one as member of the senate and the other as governor.

During spare moments at this session, which he attended as commissioner, he prepared a general incorporation act, which was passed as prepared, with one unimportant addition. It has kept its place on the statute book ever since. This is perhaps the first act in the United States that put all business corporations on the same and a proper basis, by declaring that any three or more persons may incorporate to engage in any lawful enterprise in the manner provided by the act. The importance and the widespread influence of such a law is best realized when we consider how important it is to the prosperity of the entire community to have its large enterprises conducted on a sound and legitimate basis.

The legislature then asked him to prepare a code of criminal procedure and a penal code, and to report them to its next session in 1864. He prepared these, and also a justices' code with forms of proceedings before justices of the peace, and they were enacted as reported and are still in force. The thorough preparation of these important matters involved a large amount of labor and research; for the many important problems presented for solution had to be considered not only in their legal aspect, but also in relation to the needs of the county, and the real condition of society. The fact that they have withstood the test of actual use for so many years is the best proof of the soundness with which they were originally formulated. At this session the legislature passed an act incorporating the city of Portland, just as it came from Judge Deady's hands, which is still substantially in force, and has been the model for acts incorporating towns in Oregon ever since. At this session of the legislature there was a clamor from various ignorant and interested sources against the code of civil procedure which was passed at the session of 1862. The provisions making all persons competent witnesses, without reference to race or color, was the principal objection urged by those who were ignorant and prejudiced. The salutary provisions on the subject of divorce were railed at by sundry lawyers whose questionable gains were unfavorably affected thereby. The subject was referred to the judiciary committee of both houses, which did Judge Deady the honor of inviting him to participate in their deliberations. There the wind-bag was soon pricked, and after the adoption of a few unimportant amendments that he prepared, the subject was put to rest. During this session he also prepared statutes on the subject of the election and qualification of district attorney, sheriff, county clerk, treasurer, assessor, surveyor; commissioner of the county court, justices of the peace, and constables, which were passed as prepared, and are still in the statute book.

The legislature then asked him to make a compilation of all the laws of Oregon, including the codes then in force, for publication in one volume. This was a laborious and delicate undertaking. The miscellaneous laws of Oregon were scattered through the current statutes from 1843 to that date. The organic act of 1848 had continued in force the laws of the provisional government not inconsistent therewith, and the constitution of 1857 had continued in force all prior laws not in conflict therewith. It thus devolved upon the compiler to determine what acts or parts of acts were then in force, and what were not. He had also to substitute the proper officers and tribunals created by the constitution, for those charged with similar functions and jurisdictions under the territorial and provisional governments. This task required care, discrimination, and judgment in its performances. The work was well done and was enriched with many valuable notes of a historic as well as a legal character. The published volume, of some 1,100 pages, placed the laws of Oregon for the first time in convenient and accessible shape; and *Deady's Codes* and *Compilation* rank high among productions of this kind. In 1874, at the request of the legislature, he made, aided by La Fayette Lane, a similar compilation. In all this work of codification and compilation, which was done without any clerical aid, Judge Deady was much more influenced by a desire to promote the public good, and to link his name with the legislature of the state, than by the meager compensation allowed by the legislature. Few if any states have had the same work done so well, or at so little cost.

By 1863 the depreciation of greenbacks had rendered the judge's salary altogether inadequate to his support. He had already been compelled to sell his farm to enable him to make payments on a home he had purchased in Portland. As a means of adding something to his resources he became the regular correspondent of the San Francisco *Bulletin*. He continued this work for nearly four years, writing a letter of a column or more every week, in which he spoke of passing events in Oregon, sketched her public men and measures, past and present, and had something to say on all important current matters; and now and then he gave a paragraph on an old book or author. The letters attracted attention in Oregon and elsewhere not less on account of the form than their substance. The experience of writing for publication under the responsibility of being seen in print—was he says, "a good school for me, besides the few hundred dollars it added to my scanty income."

In 1867-8-9, there was no circuit judge of the United States courts on this coast, and Judge Deady was assigned by Mr. Justice Field to hold the circuit court in San Francisco. He was thus engaged for some three months in each of these years, and cleared the long delayed docket. His holding the court during these sessions brought the people of California for the first time into direct contact with the judge, although of course his work in Oregon had already given him a high reputation as a jurist and patriotic citizen. By the end of his first term, the bar of San Francisco freely admitted his great abilities, and passed the following preamble and resolutions:

> WHEREAS, the Honorable Matthew P. Deady, United States district judge for the district of Oregon, has, by the allotment of the United States supreme court, presided over the United States circuit court for the district of California during the present term, and for the first time been brought in contact with the members of the California bar: Therefore, be it
>
> RESOLVED, That upon Judge Deady's departure from among us to return to his own district, the members of the bar of California desire to express their thanks to him for the cheerfulness and readiness which he has exhibited in the disposal of a large number of important cases, and that they must bear testimony to the judicial courtesy, ability, and learning with which he has performed his judicial duties, and has won for himself the respect, esteem, and confidence not only of ourselves, but of the public.
>
> THOMPSON CAMPBELL, chairman,
> GEORGE E. WHITNEY, secretary.
>
> San Francisco, April 26, 1867.

During the first term he heard and decided the famous case of McCall *vs* McDowell (1 Deady 233), in which he held that congress alone had the power to suspend the *habeas corpus*, and that the attempted suspension of the writ by the president without the authority of congress on September 24, 1862, was illegal and void. Such an important decision as this deserves more than a passing notice, and attracted wide attention throughout the country when it was rendered. In April 1865, General McDowell, issued an order for the arrest of all persons indulging in public rejoicing over the assassination of President Lincoln. Under this order McCall was arrested in the interior of California, and confined at Fort Alcatraz, but was at length discharged. Subsequently he brought an action for damages against General McDowell, and the subordinate who made the arrest, in one of the courts of California. The action was removed to the United States circuit court, where it was tried without a jury. The court held that the action could be maintained against General McDowell, but not against the subordinate, who was acting in obedience to an order of his superior not illegal on its face. Damages were awarded to McCall in the sum of six hundred and thirty-five dollars. These were only intended to compensate the plaintiff for his expenses and loss of time. In the opinion, it was said, that while the words used by McCall did not constitute a legal crime, they were, under the circumstances, greatly to be reprobated.

The court held that while the act of 1863, giving power to the president to cause arrests to be made in particular cases, without the cause thereof being subject to enquiry on *habeas corpus*, either directly or by his subordinates, was constitutional and valid, yet, as a matter of fact, the president did not authorize McDowell to make the arrest in question, and therefore he could not claim the benefit of the act.

"The power of arbitrary arrest" said Judge Deady in the opinion, "is a very dangerous one. In the hands of improper persons it would be liable to very great abuse. If every officer throughout the United States during the suspension of the *habeas corpus* is authorized to arrest and imprison whom he will, as aiders and abettors of the enemy, without further orders from the president, or those to whom he has specially committed such authority, the state of things that would follow can better be imagined than described."

In the excited state of public feeling at the time this celebrated decision was rendered, considerable hostile criticism was indulged in, but as time cooled the passions of the moment it came to be recognized universally that the opinion was based on sound principles which could not be subverted.

The originality which Judge Deady brings to bear on all his decisions, and his habit of viewing questions from the standpoint of first principles, was illustrated in the case of Martinetti *vs* Maguire (1 Deady 216). The action was brought about by the rivalry of two dramatic companies the one, who claimed the exclusive right to exhibit the *Black Crook*, seeking under the copyright law to prevent another from presenting a colorable imitation, under the name of the *Black Rook*.

The court found that the plaintiff had the exclusive right as assignee, to exhibit the *Black Crook* in California, and that the defendant was producing substantially the same play under the name of the *Black Rook*, but denied the relief sought on the ground that such a composition was not entitled to copyright.

On this point Judge Deady said, the power given to congress to grant copyright is limited to the purpose of promoting "the progress of science and the useful arts." The *Black Crook* is a mere lewd spectacle, however gilded. It in no way tends to the promotion of science or the useful arts, and is therefore not entitled to copyright.

Another case which came up while he was holding court in California attracted much attention throughout the entire country. In the Avery–Bigler case a general discussion arose on the subject of the tenure of office under the federal constitution and the laws, and of the power to remove incumbents from office. Judge Deady gave a thorough discussion of the constitutional principles involved, holding that the appointing power under the constitution, included the president and the senate—the nomination and the confirmation. The case was doubtless influential in hastening the passage by congress of the Tenure of office Act, of 1867.

In 1883, he sat in the circuit court of California on the hearing of the great debris case (9 Sawyer 441) and wrote a concurring opinion against the right of the hydraulic miners to deposit the debris of their mines in the streams of the state. Vast interests were at stake in this decision. The farmers of the Sacramento valley were arrayed against the miners of the mountains, which for a generation had produced millions of gold. But the production of this vast quantity of precious metal was slowly but surely bringing irretrievable ruin upon the farmers that were cultivating the rich alluvial soil that lay along the stream below. And while the decision against the miners struck a heavy blow at an important industry, it unquestionably was founded on justice and sound law; moreover it emphasized the fact, which is now coming to be clearly recognized, that the great and permanent wealth of California is in her fertile soil, rather than in her gold and silver. In 1885 Judge Deady again sat in the same court, in the famous case of Sharon *vs* Hill (11 Sawyer 290) and wrote the leading opinion therein, in support of the decision of the court, that the so-called marriage contract was a palpable forgery, invented to support the defendant in a predatory raid on Sharon's fortune. His masterly presentation of the facts of the case, and his unanswerable argument in support of his conclusion therefrom, broke the back, so to speak, of Sarah Althea's claim to be the wife of Sharon, and cast deserved odium upon this impudent attempt to dignify a "furtive intercourse" between a man and woman with the name of marriage.

During all this time, and since, he has held the district and circuit courts in Oregon, doing all the business in the former and nearly all in the latter.

Many of the cases decided by him in these courts were important, both as to the amount at stake and the questions involved, particularly so in the land, railway, bankruptcy, and admiralty cases. The reports, 1 Deady and the 14 volumes of Sawyer, bear evidence of the prodigious industry, profound learning, and great ability of the district judge of Oregon during the last twenty-five years.

Herein are given the titles of a few of these, with a brief statement of the point decided.

And first his administration of the bankrupt act of 1867 was characterized by promptness and an intelligent appreciation of the subject and purpose of the act, and was altogether satisfactory to the business community. As a consequence the board of trade of Portland has always favored a renewal of the act. His exposition of the law, and the liabilities and rights of debtor and creditor thereunder, are contained in a long line of decisions which have been cited and followed all over the country.

In the *Canada*, (7 Saw., 175), he held against the weight of former rulings that a stevedore's labor was a maritime service, for which he had a lien on the ship, and this doctrine is now the prevailing one.

In ex parte Kochler, (11 Saw., 37 and 12 Saw., 446), he held that notwithstanding the Oregon act of 1885, regulating the transportation of passengers and property, a railway corporation has a vested right to collect and receive a reasonable compensation for the transportation of persons and property, which the legislature cannot impair or destroy; and for the purpose of retaining or securing business, but not otherwise, it may charge less for a long haul than a short one in the same direction. And in the latter case he held under section 4 of the inter-state commerce act, that under like conditions and circumstances a railway corporation may also charge less for a long haul than a short one, but not for the purpose of favoring one person or place at the expense or to the prejudice of another.

Gilmore *vs* the Northern Pacific railway company, (9 Saw., 558), is a pioneer case for the doctrine that all persons engaged in a common service are not "fellow servants," as was held in Priestly *vs* Fowler, (3 M. and W., 1), Murray *vs* railway company, (1 McMull., 385), and Farwell *vs* Boston railway company, (4 Mt. 49), so that the common employer is not liable for an injury sustained by one servant through the negligence or misconduct of another. On the contrary Judge Deady held in this case, that these authorities were not applicable to the changed condition of modern industries, carried on by ideal and invisible masters called corporations, and that where a servant has authority to direct another, or to provide necessary material and appliances for his convenient and safe employment, he is so far the representative of the master, who is responsible in damages for any injury sustained by such other, by reason of the negligence or misconduct of such representative. Shortly afterward the supreme court of the United States, in C. and M. Ry. Co. *vs* Ross, (112 U. S., 389), announced the same doctrine.

Like other profound jurists, Judge Deady attaches great importance to the study of the principles of the common law. Indeed, the value of such study was strongly and ably presented in an address presented by him before the Portland law association in December 1866. The following extracts from that address may be read with profit by every citizen, whether he be a lawyer or engaged in other callings:

"I am aware that there is an impression abroad in the profession, as well as out of it, that the common law is among the things that were but are not, that it has become superseded and thrown in the background by the modern codes of procedure, and that time spent in the study or perusal of the old reports, or works of Coke, Comyn, Bacon, and even

Blackstone, is time wasted. But let me assure you now that this is a grevious mistake. All judicial proceedings in the United States,—unless it be in the state of Louisiana,—however named or modified by systematic codes or mere desultory and miscellaneous statutes are based upon and constructed from the common law of England and America. They all presuppose an acquaintance with the general principles and axioms of the common law, and are impregnated and animated to speak by its spirit and genius.

"For the enforcement of every legal right and the redress of every injury thereto, of which the law takes cognizance, our modern code of procedure, like the common law, as declared by the statutes of Westminster 2d, gives every one an action on the case, without other name or signification. Yet, with our vision bounded by the narrow horizon of to-day or yesterday, or even a generation, we plume ourselves upon our superiority over our forefathers, and point to our law and other reforms as conclusive evidence of the fact, when in truth we are only groping our way back to the old paths. After this, let us abate our boasting, and say with Solomon, 'There is no new thing under the sun.'

"To the people who speak the English tongue, the common law is something more than a rule of action prescribed by the supreme power of the state, commanding what is right and forbidding what is wrong, but it is also the wisdom of their ancestors—the outgrowth of themselves, at once a tradition and a living inheritance. Its principles, maxims, and aphorisms enter into and give tone and color to our morals, politics, and literature. Whether we exist as a kingdom, commonwealth, or republic, it adapts itself to our condition, and furnishes at once the bulwark and the limit of our rights of person and property, and of government and subject or citizen. As the English race are now the only people who are colonizing the world, this language and law bids fair to encompass the earth and become the speech and rule of the world.

"Nowadays, it is the fashion in some quarters to sneer at the common law as a relic of feudalism and barbarism, and to point to the civil law as the proper source from whence to draw the jurisprudence of a highly civilized and refined people. But I caution you to beware of the spirit, and be not persuaded by it. . . . The laws of a people react upon them, and mould their character and opinions. The common law people—the English race, wherever they go, establish limited governments, with parliaments and juries; but the people of civil law—the Latin race, always come under some modification of the empire—in which the will of the prince, emperor, or chieftain is the supreme law.

"In so far then as we discard the fundamental principles of the common law, and adopt those of the civil, we are paving the way for the political and social condition of the Roman empire, in the age of the Cæsars—both good and bad. Probably this is the innate tendency and inevitable result of our republic, with its diversified and agglomerated population and ever widening territory.

"But be this as it may, the common law is the source and panoply of all those features of our system which distinguish us from the subjects of absolute governments, ancient or modern,—either by monarchs or majorities. It was made by freemen for freemen, and so long as you think these distinctions between it and the civil law worth preserving, you should cherish it in private and exalt it in public."

In a biography of Judge Deady, contained in a lately published history of Portland, edited by the editor of the *Oregonian*, Mr Harvey W. Scott, a resident of Oregon since 1852, there occurs the following passage:

"Any work professing to describe the representative men of the Pacific coast, would be very incomplete which failed to present a sketch of the life and labors of the distinguished jurist whose name stands at the head of this article.

"Coming to Oregon in the flower of his early manhood, he has grown with the growth of his adopted state, and strengthened with her strength. His hand and mind are everywhere seen in her constitution, her laws, and her polity. Her material advancement has been greatly promoted by his efforts, and his name will ever remain indelibly impressed on her history."

Judge Deady's career has been essentially a judicial one, and it was fortunate for Oregon that a man of so much native strength and largeness of character should have become so important a factor in her history in the critical formative period. It is easy for the most casual observer to see how his strong personality has been directly instrumental in shaping the career of his adopted state. And while he already is seen to stand head and shoulders above his contemporaries, there can be no question but that he will become more and more prominent as the smaller men of his day fade away into oblivion with the lapse of time. While the judge is looked up to and respected by the community generally, his preëminent qualities have enforced the same homage from the legal fraternity. It has come to be recognized universally that he is a large man in the position he now occupies, and there can be no question but that he would be a larger man on the supreme bench of the United States.

The safeguards which he has largely been instrumental in throwing around life, liberty, and property, have done much to give Oregon its well deserved name of a law-abiding community, and to save her from the disgrace of the many infractions and overturnings of all law which have occurred in too many of the newer sections of the community. The personal dignity which he has always maintained on the bench, and the observance of the formalities of the court which he has always insisted upon, has had its influence too, in deeply grounding a respect for law in the hearts of the people.

Many questions of the gravest importance have come before Judge Deady, in the course of his long career, which he has been forced to study without the help of precedent and to decide without the aid of authority. But with characteristic courage and self-reliance, he has applied himself to the solution of these problems, and his decisions have been based on the soundest legal principles and justice. The settlement of suits arising under the donation land laws became of the gravest importance, from the magnitude of the interests involved in the city of Portland and elsewhere; but when he rendered his decisions it placed these questions permanently at rest, although in reaching his final judgment he had to consider many points that came up for the first time in the history of the world. New principles and new laws also had to be considered by his fertile brain in connection with the grants of the public domain to the state, to railway corporations, and to settlers, under the donation, preëmption, and homestead act, and the right to cut and take timber therefrom.

When political demagogues, relying on the popular prejudice against the Chinese, have undertaken to deprive them of their treaty rights and the equal protection of the laws, the judge, unmoved by partisan clamor, has enforced the law in their favor, regardless of consequences.

In the spring of 1886, a general election being near at hand, the people calling themselves anti-Chinese held meetings in various places in Oregon, and resolved that the Chinese must go. Encouraged and set on by these incendiary proceedings, a midnight mob captured the Chinese working in the woolen factory in Oregon city, and after relieving them of their money, sent them off in a boat to Portland. Soon afterward Judge Deady, in his charge to the grand jury in the United States district court, called their attention to this outrage, as a result of which, a number of the guilty parties were indicted and arrested. In the course of the charge he said:

"An evil spirit is abroad in the land, not only here but everywhere. It tramples down the law of the country and fosters riot and anarchy. Now it is riding on the back of labor, and the foolish Issachar couches down to the burden and becomes its servant.

"Lawless and irresponsible associations of persons are forming all over the country, claiming the right to impose their opinions upon others, and to dictate for whom they shall work, and whom they shall hire, from whom they shall buy, and to whom they shall sell, and for what price or compensation. In these associations the most audacious and unscrupulous naturally come to the front, and for the time being control their conduct. Freedom, law, and order are so far subverted, and a tyranny is set up in our midst most gross and galling.

"Nothing like it has afflicted the world since the middle ages, when the lawless barons and their brutal followers desolated Europe with their private wars and predatory raids, until the husbandman was driven from his ravaged fields, and the artisan from his pillaged shop, and the fair land became a waste.

"The dominant motive of the movement is some form of selfishness, and its tendency is backward to barbarism—the rule of the strongest, guided by no other or better precept than this: 'Might makes right.'

"This is not the time nor place to inquire into the cause of this condition of society. It may be the natural outcome of the modern political economy, which, assuming that the conflict of private interests will produce economic order and right, has reduced the relation between capital and labor to the mere matter of supply and demand, and limited the duty and obligation of the one to the other, to the payment of the minimum of wages for the maximum of labor on the one hand, and the getting the maximum of wages for the minimum of labor on the other.

"But whatever the cause, I have faith that the teaching of experience and the good sense and love of justice of the people of Oregon will find a remedy for the evil in time. And in the mean while it behooves those of us into whose hands the administration of the law and the conservation of the public peace is confided, to do what we can, wisely but firmly, to prevent this evil spirit from destroying the material resources of the country, and making any improvement in the condition of society, in this respect, still more difficult and doubtful."

In his address to the Pioneers in 1876, there is a happy mingling of history and philosophy. In considering the comparative merits of the adverse claims of Great Britain and the United States to the country known as Oregon, founded on discovery, he said:

"From the beginning the right to the country was to depend upon the successful occupation of it. In the race for possession Great Britain was represented by the fur companies, the United States by the eastern trader and missionary, and particularly by the western farmer and woodsman. The fur companies desired to occupy the country as a trapping ground for the fur-bearing animals.

"On the other hand, the American settler was always animated, often it may have been unconsciously, with the heroic thought that he was permanently engaged in reclaiming the wilderness—building a home, founding an American state, and extending the area of liberty. He had visions, however dimly seen, that he was here to do for this country what his ancestors had done for savage England centuries before—to plant a community which in due time should grow and ripen into one of the great sisterhood of Anglo-American states, wherein the language of the Bible, Shakespeare, and Milton should be spoken by millions then unborn, and the law of magna charta and Westminster hall be the bulwark of liberty and the buttress of order for generations to come.

"Under these circumstances, it is not to be wondered at that this British army of occupation failed to take deep root in the soil and hold the country as against the Oregon pioneer."

In conclusion and addressing the Pioneers personally, he said:

"Yes, worthy Pioneers, to you, whom heaven has kindly granted to see this day, and your absent but not forgotten brethren and friends, who made a pathway to the country with their dust, or have since given their lives for its defence, or fallen asleep in its valleys, are we chiefly indebted for this grand and beneficent result. By your great endeavors an empire in limits has been added to the jurisdiction of the United States, and to-day the sun in his journey across the heavens shines down upon a continuous union of American states from the Atlantic to the Pacific. Verily you have your reward, and they who come after you shall rise up and do you honor."

In his interesting address on towns and cities, delivered in 1886, at the commencement of the University of Oregon, he showed how the failure of municipal government in the United States was owing to the prevalence at the polls of the vagrant and non-taxpaying element. He said:

"The drift of any municipal administration in which those who pay no taxes, collect and expend the revenue, is to waste and corruption. For a time under favorable conditions, this result may be prevented or delayed. And now and then the taxpayers, aroused by the exposure of some gross fraud or extravagance, may combine and take the management into their own hands.

"But the good effect of these spasms of public virtue are not permanent. The cause of the evil—the vicious and irresponsible vote—is left untouched. The leisure class, the men who from defective organization or training are unfitted for or indisposed to labor in the ordinary vocations of life, return to the work, and are soon battling away again, night and day, under and above ground, in the press, the primaries, and at the polls, for the lost places. The busy people go back to their private affairs and are soon absorbed in them, and ere long things are as they were before. Each failure of these occasional efforts at reform to accomplish any abiding result, diminishes the chance of their being repeated. Men tire of rolling the municipal stone up hill, only to see it, as soon as their backs are turned, go down again. . . .

"Learning, without honest and good government, is a mere whitened sepulchre. And such government, while our towns and cities, the nerve centers of the body politic, are under the control of the ignorance, poverty, and vice that inhabit them, or of those who use and abuse them, is simply impossible.

"The danger is no longer indefinite or in the distance. The virus of municipal corruption and mismanagement is steadily extending to the affairs of state and nation. Political parties systematically use the places and pickings in municipal affairs as a sort of feeding and training ground for their workers and strikers in general politics. From there, in time, they graduate into state and national politics, and carry with them the morals and tactics of the well-drilled ward club.

"Nothing can check this movement but a reform in municipal politics, and this can only be done by eliminating the irresponsible voter from municipal suffrage. We have seen that the indebtedness of the towns and cities of the United States has increased during the last decade, a period of peace and comparative prosperity, one hundred fold. Probably the greater portion of this went to the support of politics, municipal bosses, and their henchmen, for which purpose they were primarily, though not professedly, incurred.

"The robber baron of the middle ages, with his devoted and dangerous following of armed retainers, has passed away. We only know of them from the pages of history and romance. Civilization is no longer in danger from them. But human nature is much the same under all circumstances. In our large cities they have reappeared in the form of a vulgar and rapacious plutocracy and an ignorant and vicious rabble, which together menace the existence of a republican form of government. Though far apart socially, in politics, so called, they are natural and effective allies. With the cheaply purchased votes of the latter, the gilded bullies of the former rob the wealth and crush the industries of the cities as ruthlessly as ever did their lawless, mail-clad prototypes, the Front de Boeufs and De la Marks of centuries ago."

On November 4, 1873, in the charge to the grand jury of the United States district court of Oregon, upon the subject of bribery at elections, he said:

"The success of a government based upon universal suffrage and frequent elections, pre-supposes that the elector will give his vote upon considerations of public policy, and the fitness of the candidate for the office to be filled, and not otherwise.

"When this condition of things ceases to be the rule, and votes are given or withheld by reason of 'force, threat, menace, intimidation, bribery, reward, or offer or promise thereof,' the days of the republic are numbered, and it will not be long ere it dies in its own stench.

"A representative government, elected and sustained by the free and unpurchased votes of honest and intelligent citizens, is probably the most desirable state of civil society known to man; while on the other hand, such a government, resting upon and reflecting the result of corrupt and dishonest elections, is an organized anarchy, more intolerable and unjust than any other. It is the triumph of vice over virtue—the means by which evil men bear sway.

"The use of money in elections, particularly in the large towns and cities, is fast becoming a dangerous evil. If not prevented, our elections will in effect soon become what the election for an emperor was in the decline of Rome—a sale of the empire by the mercenaries of the pretorian guard to the highest bidder.

"The use of money in elections, besides being in nine cases out of ten radically wrong and corrupt, imposes in the end a heavy and unjust tax upon the property and industry of the country.

"By one indiscretion or another, through the acts and influence of those who are elected by this money, the public are compelled to return it with interest—often an hundred fold—to the persons who furnished it."

In the fall of 1864, the legislature of Oregon had a resolution before it concerning General Russell, who had served in Oregon, and just bravely met his death with Sheridan in the Shenandoah valley. The resolution was pitched in a high key, and some prosy, cynical wags in and out of the house were disposed to sneer and laugh it down. At the request of the mover, Judge Deady dashed off an article in support of the resolution, the publication of which checked the opposition and secured its passage. It may be found at length in *Schuck's Representative Men of the Pacific* (107). As a specimen of eloquent off-hand composition we quote a few lines:

"The resolution, as befits the occasion, has the ring of the trumpet, and a touch of true poetic fire. When a generous people desire 'to honor the patriot dead,' or 'to encourage their gallant living,' their language should rise above the prosy platitudes of a constable's writ or an inventory of goods and chattels.

"If you would have men die for their country, remember those who thus die. Let the memorial of the brave departed be such as to warm the hearts and elevate the aspirations of those who come after them. The dream of obtaining a monument among the illustrious dead of Westminster abbey has done more to maintain the dominion, prowess, and prosperity of England, than all the gold of her commerce, twice told and repeated.

"Thus Rome deified her dead and inspired the living, until, with

——brave Horatius,
The captain of the gate,

a Roman was ever ready to sacrifice himself for his country, exclaiming:

How can a man die better
Than by facing fearful odds,
For the ashes of his fathers,
And the temples of his Gods?

In the course of a fourth of July oration, delivered at Portland in 1885, he paid the following tribute to Washington and Hamilton:

"The records of Hamilton's labors and achievements will ever remain a monument of his comprehensive patriotism, his freedom from sectional prejudices, and his matchless ability as a statesman and jurist. No celebration of this day, no commemoration of these events, is just or complete without the grateful mention and remembrance of these two names, Washington and Hamilton, the two men who, more than any others, not only achieved the independence of the colonies, but saved them from subsequent anarchy and discord—gave them a constitutional and free government, equal to the exigencies of peace or war, and made them in fact as well as name, the United States of America, one and indivisable, let us hope, now and forever."

And in an address delivered at the same place on the centennial of Washington's inauguration, he said:

"I have thus endeavored in the short time at my disposal, to give an estimate of Washington as a soldier, statesman, and patriot, derived from his acts and declarations, and the opinions of those best qualified to speak of him. He is, in my judgment, by far the grandest figure in American history; and I doubt if he has a superior in the modern world. Other men may have exceeded him in some particular, but in the general average, none. He was an all around, well balanced, great man, equal to any emergency and capable of rising to any occasion.

"His name is inscribed high up on the roll of the few great worthies of the world, never to be dimmed or displaced.

> The winged years, that winnow praise and blame,
> Blow many names out; they but fan to flame
> The self-renewing splendors of his name.

"Few of us stop to think, or are even aware, of the incalculable benefit to this or any people, of having such a life woven into their early history, as an example and incentive to good and noble deeds, from pure and exalted motives, in both public and private life.

On the death of Chief Justice Waite, in response to resolutions by the bar of the United States circuit court, Judge Deady said:

"The death of the chief justice of the supreme court of the United States is felt throughout the length and breadth of the land. A vacancy in this exalted tribunal affects the interest of the whole community. A century ago, the men who achieved the independence of the colonies, assembled in Philadelphia, with George Washington at their head, to lay the foundation of a new government, whereby the liberty and independence won by their swords might be defined and preserved by the authority and sanction of law. As an essential part of this political fabric they provided for a supreme court with power to act as a final arbiter between the 'New Nation' and its constituent parts—the several states and the people thereof.

Fresh from the learning and example of the great lawyers and statesmen of the convention parliament, who a century before under the lead of Somers had secured to Great Britain a judiciary whose tenure of office no longer depended on the interest or caprice of the crown, they placed this court of final resort above the vicissitudes of party and the clamor of faction, by providing in the constitution for the independence and permanency of its judges. And the result has verified their expectations and shown the wisdom of their actions. The court has proven itself the keystone of the arch which binds the union together—the very acropolis of the constitution."

In a Fourth of July address delivered at Vancouver in 1889, he said:

"In the constitution of Washington, by all means make the term of the judicial officer not less than ten years, and the salary not less than $5,000, and we may be shamed into following your good example. A learned, honest, and independent judiciary is the corner-stone of a good social fabric. But ordinarily a judge cannot be honest who is not independent, and the judge is not independent who is ready, or who, on account of the shortness of his term, is tempted to look around and count heads, before he is warm in his seat, with a view to reëlection. Limit the suffrage to citizens of the United States. There are plenty of people in the country to do the voting without including unnaturalized foreigners in the list, who have simply declared their intentions and may never go any farther. Provide that a majority of a jury may find a verdict in all cases, or at least do not tie the hands of the legislature so that it cannot be done hereafter. This is a very important matter. The constitution of the jury must be reformed in this particular, if this institution is not to become an impediment to the administration of justice. All those who thrive by the defence of criminals, and consider a hung jury, even if by one to eleven, next thing to an acquittal, will be found generally opposing this reform. It could have no better commendation to the people at large."

In responding to the toast, The State of Oregon, at the Queen's birthday dinner, in Portland, 1886, he said:

"Oregon did not grow up leaning on the arm of an elder sister, or become organized as an annex to a neighboring state, like the members of the union north and west of the Ohio river. It was not formed by the mere gradual and unpremeditated overflow of population from one degree of longitude to another, as oil spreads over paper. But, like Virginia and Massachusetts and other colonies on the Atlantic seaboard founded two centuries earlier, it was from the beginning a distinct and separate settlement of self-governing and directing people. The pioneers of the Pacific, like those of the Atlantic, were separated from their point of migration by thousands of miles of trackless waste.

"Indeed, the state of Oregon was more autonomous in its origin and early growth than any state within the limits of the union. The Atlantic colonies, save perhaps the small matter of the Plymouth rock congregation, who were soon absorbed in the Massachusetts bay colony, were planted and watered by some powerful company or proprietor in England, and largely directed and aided thereby.

"But the Oregon colony was emphatically a popular, political movement, conducted by private persons without any recognized head or concerted plan. It was really one of those singular movements of the human race in which numbers of people, without preconcert or purpose, are moved by some common controlling impulse, to transplant themselves to some unknown and remote region; and having done so proceed at once, as by a political habit or instinct, to unite together in a civil society and found a state, upon whose escutcheon they did and might well inscribe, *Alis volat propriis.*

In responding to the toast—The United States—on a similar occasion in 1884, he said:

"Go back with me, if you will, to the period between the 13th and 17th centuries, the most fruitful period in the world's history. Europe had awakened from the deep sleep or long incubation of the middle ages. The first important event was the invention of gunpowder. Then the weapon of warfare was changed from the sword and spear of the mailed knight to the firelock of the common soldier. Next followed the art of printing, by which the thought of the few was diffused throughout the world, and made the property of the many. This was naturally followed by the revival of learning; and then came the natural climax and crown of the movement—the Reformation. Then thought was made free, and man was permitted to think for himself. Society was stirred to its inmost depths. Old customs were overthrown, and old ideas were everywhere confronted and assailed by new.

"It seems providential that just at this time a new world should be discovered, which afforded a refuge and elbow room for all the new thoughts and eccentricities of the old world. At the very moment of this seething turmoil and intellectual ferment, which poets and painters are pleased to call the renaissance, the new world was prepared for this European overflow, which came in groups and settlements of pilgrims, independents, puritans, baptists, episcopalians, quakers, Roman catholics, presbyterians, Lutherans, and Moravians, together with many shades of political opinion, out of which there came in due time the

United States, the free American citizen, and religious toleration."

On December 7, 1883, Judge Deady published an article in the *Morning Oregonian*, which is preserved in the transactions of the Pioneer Association of that year. In the course of it occurs the following account of the preliminary peace talk between the Rogue river Indians and the whites, on Sunday, September 4, 1853, soon after the battle of Evans or Battle creek, on the north side of Rogue river, which ended in a truce between the two leaders—Indian Joseph and Joseph Lane.

"The scene of the famous 'peace talk' between Joseph Lane and Indian Joseph—the two men who had so lately met in mortal combat—was worthy of the pen of Sir Walter Scott and the pencil of Salvator Rosa. It was on a narrow bench of a long, gently sloping hill lying over against the noted bluff called Table rock. The ground was thinly covered with majestic old pines and rugged oaks, with here and there a clump of green oak bushes. About a half mile above the bright mountain stream that threaded the narrow valley below sat the two chiefs in council. Lane was in fatigue dress, the arm which was wounded at Buena Vista being in a sling, from the effects of a fresh wound received at Battle creek. Indian Joseph, tall, grave, and self-possessed, wore a long black robe or cassock over his ordinary dress. By his side sat Mary, his favorite child and faithful companion, then a comparatively handsome young woman, as yet unstained with the vices of civilization. Around these sat on the grass Captain A. J. Smith, who had just arrived from Port Orford with his company of the first dragoons, Captain Alvord, then engaged in the construction of a military road through the Umpqua cañon, and since paymaster-general of the U. S. A., Colonel Bill Martin of Umpqua, Colonel John E. Ross, of Jacksonville, Captain now General John F. Miller, myself, and a few others.

"A short distance above us on the hillside were some hundreds of dusky warriors in fighting gear, reclining quietly on the ground. The day was beautiful. To the east of us rose abruptly Table rock, and at its base stood Smith's dragoons, waiting anxiously with hand on horse the issue of this attempt to make peace without their aid. After a proposition was discussed between the two chiefs, the Indian would rise up and communicate the matter to a huge warrior, who reclined, unclad, at the foot of a tree quite near us. Then the latter rose up and communicated the result to the host above him, and they belabored it back and forth with many voices. Then the warrior transmitted the thought of the multitude back to his chief, and so the discussion went on, until an understanding was finally reached. Then we separated, the Indians going back to their mountain retreat, and the whites to their camp on the river.

"That evening I rode up to Jacksonville, through what I thought was the most picturesque valley I ever saw. The next morning I opened in due form, the United States district court for the county of Jackson — the first court that was ever held in Oregon south of the Umpqua — and the mandate of the law superseded the stroke of the sword."

The spirit of justice, which is the foundation of all law worthy of the name, pervades Judge Deady's work. Although well acquainted with forms and precedents from the early days of the common law, he never willingly sacrifices justice to either, nor confounds the kernel of truth with the husk of appearance.

Yet he does not assume the rights to disregard a settled rule of law, to placate a public opinion which for the time being is arrayed against its enforcement in a particular case.

Knowing this, litigants and attorneys who rely on the law, are always anxious to get their cases before him, where they are sure of a decision, the result of industry, learning, integrity, and judgment. Such a standing and reputation has only been attained by continuous and devoted labor, which his iron constitution has enabled him to endure in the last thirty and more years. The reports are full of his decisions that are of permanent general value—especially to the jurisprudence of the Pacific coast.

It is one of the admirable characteristics of Judge Deady that he always tries to keep himself in touch with the people. He makes time to mingle with them, notwithstanding the great and unremitting pressure of his judicial duties. He goes out into the country or visits the seaside at least once a year. Thus he keeps abreast and in full sympathy with the current thought, and is able to judge of the force of any turn of public opinion, and to see how deep or shallow any prejudice may be. By this habit of life he has gained a vast fund of practical knowledge, and has made a very wide circle of acquaintances in all walks of life. He has become familiar with all the professions. He knows the life of the farmer, and understands the tools of the mechanic. If in any case a point comes up in regard to some mechanical device about which he is in doubt, he has the machine brought into court, or will go to the pains of visiting the shop where it may be. More than this, he will, if necessary, make a considerable journey solely for the purpose of seeing some particular gearing or machinery in operation. Thus he has become almost an expert on a vast number of practical subjects, and has accumulated a great store of practical knowledge which can scarcely be equalled.

One quality that pervades all his decisions is his great moral courage; indeed his native strength in this is so great that he seems unconscious at times that he is moving directly counter to the general prejudices of the hour. No fear of popular resentment has ever bent him from the direct line of justice, and no allurements have been strong enough to cajole him into doing anything of which his conscience did not approve. He is ever ready to protect the poor and helpless against the encroachments of a powerful corporation, and yet, on the other hand, a corporation is sure of receiving full justice from him. It would seem as though the judge had taken well to heart the wisdom of Plato, and that he has planted in the valleys and mountains of Oregon that love of law, that supreme insight into the all importance of the state, and that devotion to truth which are the marked characteristics of the greatest of Grecian philosophers. And that he impressed these great truths upon the young commonwealth by the force of manly example and timely precept is one of the most fortunate circumstances in the history of Oregon.

Although Judge Deady's great life-work has been done upon the bench, he is too large a man, and his interest in the true welfare of the community is too deep-seated, to permit him to confine himself exclusively to the calling that he graces so well. His sympathies are with every movement that tends to the improvement of the community as a whole. Thus it came perfectly natural to him to give active assistance to the organization of the Library Association of Portland in 1864, and that institution to-day,—standing as it does, as one of the best organized on the Pacific coast, owes much of its usefulness to the pains which he has taken with it. Its management from the first has been beyond criticism. He has been its acting president for over twenty years, and has solicited and obtained most of the funds that go to make up its endowment of nearly $150,000. A large portion of the books upon the shelves were selected by him, and one can imagine how congenial such a task as this must be to a man of his cultivated and scholarly tastes. Regularly on Saturday afternoon of each week he may be seen in the library rooms, in consultation with Mr Oxer, the librarian, concerning the condition of the institution, giving directions and making suggestions concerning the purchase of new books, and the like; so that if he is wanted for any purpose, between 2 and 4 P. M. of that day, people go to the library rooms to find him.

The cause of higher education has found in Judge Deady an earnest and judicious advocate. In 1876 he was appointed a regent of the university of Oregon, which had just then been located at Eugene. He has served in this capacity, and also as president of the board ever since. Several commencement addresses have been delivered by him, and the reader of these is struck at once by the breadth of wisdom, the depth of learning, and the thorough familiarity with all the leading authors which they present. Addresses so polished and learned could not fail to have a great and beneficial influence on the young graduates. The pearls of Montaigne, Middleton, and Burke glisten and shine on the thread of his discourse along with the gems of Bacon, Franklin, and Dr Johnson. Yet he did not hesitate to give a touch of criticism, when it seemed necessary, to point his hearers to the highest standard. "The aim of the scholar," he says, "should be far above that of the low utilitarian philosophy of Franklin, which has borne its legitimate fruit in the worship of the creature instead of the creator, and the substitution of the sensual test—Will it pay? for the spiritual one—Is it right? We should remember that it is better to know the meaning of the stars than to be able to count them—that it is of more importance to be able to answer the old and ever recurring question—*Quid est veritas?*—than to have invented a sauce or jumping-jack, or discovered a mine or the source of the Nile. True greatness is more or less moral, and is only reached by living under the constant influence of a lofty ideal, even though it may never be realized."

Whether with light and graceful fancy he discoursed to the students on the subject of manners, reminding them that William of Wykeham, lord chancellor of England, chose for his motto: "Manners maketh Man," and that Middleton said: "Virtue itself offends when coupled with forbidding manners," or showed with reason and logic that the higher aim of life is to be, rather than to have, or discussed the practical problem of municipal government, his words were weighted with wisdom and strong common sense.

Judge Deady has not striven for distinction in the field of oratory. His position on the bench has precluded it. But with his poetic fancy and love of the sublime and beautiful, in nature and art, there can be no doubt that had he remained at the bar he would have been distinguished as a public speaker.

His addresses and lectures are not the flimsy productions that depend for their success upon the transient enthusiasm of the moment of delivery; their value and importance lie in the great truths, forcibly and aptly told, which they bring home to the auditors. Like the great classic orations, they are best understood and most highly prized after they have been quietly read and thought upon. The wide knowledge of history, the deep and philosophical insight into political growth and organization, and the clear perception of the needs of society make them a rich mine. The quality that most impresses one is the broad comprehensiveness with which he takes up his subject. His view covers the entire field, and he brings out in true proportion the essential facts which enter into the subject that he is speaking upon. And thus it is, that his words sink into the memory and abide there, as did the address of Lincoln at Gettysburg, which completely overshadowed the brilliant effort of William Everett.

Judge Deady grew up a democrat. He first took an interest in politics in favor of the annexation of Texas, in 1844. He says:

"By the time I was thirty years of age I had pretty thoroughly studied the constitution and political history of the United States for myself. Among others I had read Jefferson's Works, Webster's and Calhoun's speeches, Washington's messages, and Hamilton's reports, the report of Burr's trial and Chase's impeachment, and Marshal's life of Washington, and became on general principles, what might be called a federalist—a believer in the doctrine that the constitution created a government for a nation, supreme in its sphere, and the ultimate judge of its own powers, and not a mere compact between independent or sovereign states to be terminated at the will and pleasure of either of them. And therefore, when the southern states undertook to withdraw from the union, I considered they were engaged in a rebellion against the lawful authority of the national government, which the latter had a right to suppress by any of the means known to civilized warfare. And this, notwithstanding my sympathies had been with the southern people on account of the unfriendly, irritating, and ceaseless attacks by many northern people and some states on the composition of southern society, and particularly negro slavery.

"Since the commencement of the war, I have generally acted with the republican party, as the one that best represented my idea of the supremacy of the national government, the resumption of specie payments, a sound currency, the payment of the national debt in gold coin, the reform of the civil service, the supremacy of the law, and the restraint and subordination, as far as practicable, of the vices and dangerous pursuits of society, to the well-being thereof. In the case of administrative officers, I generally vote for the best man, and I suppose, might be called a mugwump."

Judge Deady's parents were Roman catholics, and he was nurtured in that faith when young. After leaving home in 1841, he became acquainted with protestant ideas and forms of worship, and learned to think for himself. His professional and general reading predisposed him to English precedents in politics and religion. Mrs Deady, on the other hand, was reared a presbyterian. On going to Portland to live they took refuge in the episcopal church, of which the judge has been a vestryman for many years. He has also taken an interest in the charitable and educational institutions, in Portland, under the control of that church, such as the Good Samaritan hospital, the Bishop Scott academy, and St Helen's hall.

Besides a great number of oral judgments, and trial of cases involving large amounts, or grave criminal charges, Judge Deady has written about 350 opinions since his advent of the bench, involving many important and interesting questions affecting the rule of the common law, or the proper construction of the state and federal statutes and the constitution of the United States and the state. These opinions are recorded in *Deady's Reports* and *Sawyer's Reports*, from volume 1 to volume 14 inclusive.

His personal appearance is portrayed in the following description given by one well qualified to do so:

"Judge Deady has a fine physical presence, so that he fills the eye, as one fitted to pronounce and to enforce. Time, in whitening his once auburn beard and the locks that curl about his head, has added the external suggestions of the sage. Six feet two inches in height, and weighing about two hundred and thirty pounds, he is in due proportion, and looks neither too heavy nor too slim. His eyes are bluish-gray, with a twinkle at the corners which betrays amusement, even at times when in deference to judicial dignity the face remains impassive—a noble face, capable of quickly passing from this expression to a frown of the brow and an angry light in the eyes. His brow is broad and massive; the back of the head broader, and well rounded. To speak by the hatter, he has a 7½ head. The nose is rather prominent, straight and well bridged, neither bony nor fleshy. A strong mouth, rather large, and suggestive of that sensuous (not sensual) quality almost invariably accompanying good intellectual power,—i. e., an appreciation of the things of the senses, whether a picture, a beauty, or a fat capon and a bottle of burgundy. His hands and feet are rather small for his size and weight, but, in common with the rest of his frame, suggesting bodily power. As he rises from the surf in his favorite pastime of sea-bathing, with dripping locks and beard, and great proportions, he suggests the Neptune of the Greek coins and gems. And, passing from his mere bodily appearance to a better characteristic, in connection with his office and his nature, it may be said he has a kindly sympathy with every young and struggling lawyer ; and to each he extends what aid he can by instruction, advice, and that more positive assistance which lies within his power to distribute from time to time."

In conclusion we heartily adopt the saying of his biographer in the *History of Portland:* "All his aims are noble and his methods just."

CHAPTER XII.

LIFE OF HENRY W. CORBETT.

A BUILDER OF EMPIRE—ANCESTORS AND PARENTS—BOYHOOD—BUSINESS VENTURES IN OREGON—THE NORTHERN PACIFIC RAILROAD—THE FIRST NATIONAL BANK—PORTLAND BOARD OF TRADE—BOYS AND GIRLS' AID SOCIETY—CORBETT, FAILING & COMPANY—BENEFACTIONS—POLITICAL CAREER—MARRIAGE—CHILDREN—RESIDENCE—APPEARANCE AND CHARACTER.

As I advance in the biographical-historical or historical-biographical study of the Pacific Coast, the more attractive it grows and the more interesting it appears, and I am not less disposed to be proud of my plan now, than when I conceived it, though I find it even better in execution than I had regarded it in theory. This fact is so assuring that, had I ever advanced any claims to credit for the plan which came unsolicited into my mind, I could cheerfully relinquish such claims. But I have never had a moment's apprehension as to the advantage and charm of studying history through the medium of actual live history-makers. I have enjoyed constantly a fixed and glowing faith in the subject. I have been asked why call plain men, citizens of the commonwealth, kings? If I could have found a title more significant of creation, control, manhood, character—these terms used in the fullness of their truth and spirit, I would have employed it, but let the text, which is a web of facts, speak and answer the question for itself.

Little did the pilgrim fathers realize what they were doing, and with equal truth may this remark be applied to the pioneers of Oregon. By these men and by those who followed them while yet its settlements were in their infancy were laid, broad and deep, the foundations of a state which is destined beyond a peradventure to become one of the richest and most steadily prosperous sections of the union. In each of the two last decades her population has almost doubled, and there is no indication that this rate of increase will be diminished for many years to come, for should it continue for half a century, there will still remain a large area of unoccupied land. Considering her great extent of fertile soil, her vast and accessible deposits of coal and iron, her boundless forests with all their varieties of merchantable timber, her thousand miles of inland navigation, her abundant water-power, and her other manifold resources, it may, indeed, be said that she is only on the threshhold of her career. That these resources have already been largely developed, appears from the fact that in 1881, with a population of less than 200,000, her exports already exceeded $20,000,000.

For Portland it is claimed that her inhabitants possess more wealth *per capita* than those of any other city in the United States, and this is no cause for wonder, considering her position as a business centre, as a seaport and railroad terminus, and as the seat of manufacturing and other industrial enterprises. For 1880 the value of her manufactures and her wholesale commercial transactions exceeded $30,000,000, and they are now probably not less than $50,000,000 a year. With capital and business ability the metropolis is amply supplied, and it is worthy of note that the proportion of wholesale to retail houses is unusually large.

Prominent among the men by whom these results have been accomplished is Henry Winslow Corbett, of the well known firm of Corbett, Failing, and Company, who, though not among the earliest pioneers, has, since the year 1851, been closely identified with the interests of his adopted state. But it is not alone as one of the leading merchants and citizens of Oregon that this gentleman deserves more than a passing notice in these pages. As a banker, a railroad man, a philanthropist, a scholar, a journalist—howsoever one may reconcile these latter vocations—and above all as a statesman, his name will long be remembered among the list of those who have been foremost in contributing to her prosperity and greatness.

The progenitor of the Corbett family, as far back as the record goes, was Roger Corbett, a military chieftain, who won distinction and lands under William I., in the conquest of England. William the eldest son of Roger, was seated at Wattesborough. His second son, Sir Robert Corbett, baronet, had for his inheritance the castle and the estate of Caus, with a large portion of his father's domain. His son and namesake, Robert, went to the siege of Acre with Richard I., bearing for arms in this campaign two ravens, which have been his descendants' crest ever since.

The Corbetts all along the line were noteworthy men, and more than one member of the family achieved respectable place in the government, the church, and the state, as well as in the learned professions of their day. One of the original stock from the female side holds a seat in parliament at this time. The Corbetts in America are their lineal descendants, the connection being made quite clear by the family record kept at Mendon, Massachusetts. The less remote ancestor of the subject of this sketch, Henry Winslow Corbett, came to New England early in the seventeenth century. His grandfather and father were both named Elijah Corbett. His mother's maiden name was Melinda Forbush. He was born at Westborough, Massachusetts, February 18, 1827. His father was a mechanic, and the first manufacturer of edge tools in that part of the country, a man of skill and inventive ability. His parents were persons of respectability, intelligence and marked features of character. That their son's course of life had been greatly influenced by inheriting from them valuable mental and moral qualities there can be no doubt, while he is indebted to them for wholesome precepts and example also.

Of their eight children, of whom six grew up, Henry Winslow was the youngest son. His early boyhood was spent in Washington county, N. Y. He received his first lessons in the common schools, which were noted for their thoroughness. Later he attended Cambridge academy, an old and reputable institution. He took the regular academy course, and then held for a year a clerkship at Salem, the county seat. When seventeen years of age he went to New York city, and engaged in the dry goods business, continuing in it until January 1851. He had established himself in the confidence of the business men, and was intrusted with a stock of goods, shipped around the Horn to Portland in October 1850, by two parties with whom he had been associated. The agreement was that he should there devote three years to merchandising, and then return and divide the proceeds; the object being to gain a competency, and then withdraw. He sailed from New York January 20, 1851, on the *Empire City*, and in the new ship *Columbia* from Panamá, arriving at Astoria March 4th. Thence he took passage on a small river steamer, also named the *Columbia*, for Portland, where he landed the following morning, after passing the night on deck, for in the north-west state-rooms were luxuries as yet unknown. Soon after his arrival he made a trip through the Willamette valley on horseback, stopping at Oregon City, Salem, and Albany. The first two were even then places of considerable importance, although the entire white population of the territory, which at that date included Washington, Idaho, and a part of Montana, did not exceed 15,000 souls. At Oregon City Mr Corbett met with John McLoughlin, formerly the chief-factor of the Hudson's Bay Company, with George Abernethy, the first governor of Oregon under her provisional constitution, and with other personages who have since become historical.

Returning to Portland, he at once applied himself to business with all the zeal and earnestness that have stamped his career in life. The time was in one respect well chosen, for during this year there arrived, direct from the eastern states, thirteen vessels laden with merchandise, thus making Portland the commercial emporium of the north-west. Though the market was somewhat overstocked, gold was plentiful, or rather gold-dust, for many of the Oregon pioneers, who were among the earliest and most successful miners in California, had now returned with plethoric purses, whose contents they distributed with lavish hand. Moreover, that state depended, in a measure, on her northern sister for supplies of lumber, flour, beef, pork, and other products, the proceeds of which swelled the volume of circulation.

Within fourteen months Mr Corbett had disposed of his entire stock of goods, and by the advice of his partners he returned, with $20,000 as the net profits for division. He then joined his partners for a year in business in New York, at the same time holding an interest with his successors in the business at Portland, but he saw that Portland was a better field for him, and determined to do business in his own name, returning there to make that city his home. He preferred it as the base of his operations, rather than take the chances in a speculative market like San Francisco, for he was accustomed to legitimate business. He is the oldest merchant in Portland, and perhaps in Oregon.

Since his establishment he has always been among the prominent men of the north-west in enterprises looking to the development of the country, and he has grown up with it. He was connected with and interested in those early transportation enterprises on the rivers that have been of such great influence in enlarging natural resources, revealing new capabilities, increasing the population and advancing civilization.

He was an earnest advocate of the project to build the Northern Pacific railroad, and while in the senate labored with diligence to further that result, having no personal interest to subserve other than the general good of the state and the north-west. After the failure of Jay Cooke to carry through this undertaking, and some years after the reorganization of the company, when Henry Villard undertook the completion of the road, Mr Corbett took a pecuniary interest as well as a general interest in the enterprise of which Mr Villard was the promoter. He is largely interested in banking. In 1869 he and Henry Failing obtained the control of the First National bank, with the view of making it a stronger feature in the financial affairs of the city and state. Established in 1865, it was then in its infancy, but has grown in magnitude ever since, and has become the strongest national bank in the Pacific northwest, as it is the oldest. Henry Failing has been president ever since they took control, and Mr Corbett vice-president since his return from the senate and a seven months' trip in Europe. From this time on he devoted himself principally to local interests.

Mr Corbett's active brain originated the idea of national gold banks as suited to the currency of this coast, but as greenbacks rapidly rose to par his happy invention was useful only for the period. He was elected president of the Portland board of trade soon after its organization, and continuously thereafter for a number of years The board has been a valuable factor in disseminating information on all important matters pertaining to the best interests of the commercial metropolis and the state, calling the attention of the government to needed internal improvements.

He has been connected prominently with the board of immigration, and has been called to act as president of various associations here—notably the Boys and Girls' Aid Society, the beneficent purpose of which is to secure a stay of punishment in the case of children guilty of their first misdemeanor or crime, with a view to saving them from the demoralizing effects of companionship with degraded convicts in the county jails or state prison. Some five years ago a new children's home was built in an eligible part of the city, and every care taken to surround the unfortunates with good influences, and save them from fatal degradation. The noble labor of providing for them a cheerful home has met with happy results, largely through the encouragement, coöperation, and material support of Mr Corbett, and citizens who shared his humanitarian views.

While in the senate he secured the appropriation for the United States building at Portland, used as post-office, custom-house, and court-house; also for needed improvements of river and harbors. In 1866 he secured the government contract to carry the mails from Portland to Lincoln, California, 640 miles, and stocked the route with four-horse coaches. When elected to the senate he relinquished his contract, as not compatible with his obligations as a public servant, and sold it out to others. At the present time he is president of a company organized to complete the construction of a grand hotel, most substantial in structure and elegant in finish—to be second in size only to the celebrated Palace hotel of San Francisco—a work begun on a magnificent scale by Henry Villard, but stopped when he fell temporarily from the pinnacle of his greatness in this section. The building will receive the fitting name of "The Portland." To insure its completion, $500,000 has been raised. Mr Corbett, Mr Ladd, Mr Failing, and Mr Lewis subscribing a little over one-half the stock among themselves.

Mr Corbett's original venture in Portland in merchandising has developed into the largest wholesale hardware business in the city, conducted under the firm name of Corbett, Failing, and Company. He has erected some of the first business blocks in the city, and has otherwise kept his wealth in motion, both on the score of business policy and for the advancement of the general good of the community. He has in no sense hoarded his riches. He has evinced his public spirit, as the record shows, by taking a pronounced and active part in politics, commerce, education ,and religion, in every great and good movement promotive of better government, better business, better schools, better morals. Where the call upon him has been for coöperation in private enterprises on which public prosperity depends, he has responded readily and wisely; where gifts have been necessary he has always given, not ostentatiously and for the name of it, but in the spirit of genuine charity, which is discriminating. That he might always have the means to do this, it has been the rule of his life to set aside regularly one-tenth of each year's earnings with which to meet the charitable demands of the next. This part of his income he does not regard as his own. It is in his stewardship only. The outlay has been returned to him, doubtless, however, in material results flowing back to him from his beneficence, and still more so, in the possession of a mind conscious to itself of right. It is his religion, and the world would not be what it is to hosts of the unfortunates if religious professions were thus made generally good in practice. He was the first to close the doors of his store on Sundays in 1851—a startling innovation in those pioneer days—but this was in the line of right and duty with him. He lost no custom by it; he simply established himself in the confidence of his customers. He was reared in the presbyterian doctrine, and has proved his faith by his life and his works. His walk and conversation among men is an earnest of what he is in the church. His religion is perhaps wider than his creed, for his sympathy and his substantial encouragement go out to all associations, denominational or otherwise, the aim of which is to improve mankind. Those two great sources of moral and mental amelioration, under whatever name or outward seeming, the churches and the schools, knew him as a friend in need.

In politics Mr Corbett grew up in the whig tariff school of Henry Clay. On the formation of the republican party in Oregon he became one of its leaders, and was elected chairman of the state central committee, and delegate to the Chicago convention of 1860, by which memorable body Abraham Lincoln was named for the presidency. Being unable to reach there in time, Horace Greeley represented Oregon by proxies from Mr Corbett and Leander Holmes. All students of the political history of the United States know the conspicuous part played by Mr Greeley on this occasion, and realize the momentous consequences of his activity in defeating Mr Seward for the nomination, his strenuous opposition to this candidate resulting in the choice of Mr Lincoln as the standard-bearer of the party. Oregon was thus indirectly made a conspicuous factor in this nomination, Mr Greeley being wisely chosen to represent the Oregon delegates, who could not be personally present. The fight was hard and close, and these two votes, supplemented by Mr Greeley's indefatigable efforts, and backed by the power of his great paper, *The Tribune*, carried the day ; so that through him, as its chosen instrument, Oregon became a factor in the history of national politics.

Mr Corbett attended the inauguration of Mr Lincoln March 4, 1861. During his trip east there occurred two incidents, which are the outgrowth of his first participation in general politics, and serve to show the breadth of his views and the keenness of his insight into the requirements of the emergency of the times. There was a lull before the storm. The south had decided to withdraw from the union, and the north was divided on the question. Instant action was necessary, but no one seemed to know what was best to be done to determine the issue.

On the 11th of March, 1861, he met Thurlow Weed at the Astor house. Mr Weed, who was understood to be the power behind the throne (at least of Mr Seward, who was then Mr Lincoln's leading counsellor), and Mr Corbett fell into conversation about the state of affairs. Said Mr Corbett: "What does the government propose to do in the matter of giving aid to Major Anderson at Fort Sumter?" Mr Weed replied: "General Scott is of the opinion it will take 25,000 men to put down the rebellion at that point, and he has concluded, therefore, not to do anything." "If this be so," remarked Mr Corbett, "why not send a vessel loaded with provisions to the relief of Major Anderson, and notify the rebels that if they fire on this government ship they will do so at their peril." Mr Weed's quick response was: "I think that's a good idea." Mr Corbett that day sailed for Oregon by the way of Panamá, upon his arrival there he was surprised to find that the plan proposed by him had been pursued by the government. It is possible that some other active brain had originated the idea formulated by Mr Corbett; but if so, the coincidence is very remarkable. Whether the credit for exclusive originality is due to Mr Corbett will, perhaps, never be determined.

Be this as it may, the suggestion was of extreme value. The rebels fired upon the *Star of the West*, and the echoes of the cannonade had scarcely died out before the north realized the danger of delay, and rose up as one man to preserve the integrity of the union. The south were the aggressors; the north were put on the defensive.

The other incident took place shortly after Mr Lincoln's inauguration. Calling on Mr Greeley, whose idea was, "Let our erring sisters depart in peace," Mr Corbett, who has always possessed the courage of his convictions, and whose political relations with the great *Tribune* editor were such that he felt warranted in expressing himself plainly, took issue with Mr Greeley. Said he: "It is my conviction that the war should be prosecuted with the utmost vigor to coerce the states that have placed themselves in open hostility to the government. It will never do to concede that the southern states can withdraw from the union. If this be granted, what would hinder the western central states from going out in the same way? According to what principle could New England or the Pacific states be restrained from setting up separate governments for themselves? The republic would be broken into fragments with all the disadvantages attendant upon a multiplicity of petty sovereignties, weak and jarring, without sufficient strength to repel invasion, or to command respect abroad. The next issue of the *Tribune* contained a leading article headed, "On to Richmond."

From the first intimation of a struggle between the states Mr Corbett was an uncompromising union man, and while chairman of the republican state central committee, he put forth every effort to induce all loyal men in Oregon to combine against the heresy of secession. To this end a union convention was held in Eugene City April 9, 1862. In the call signed by the central committee, of which he was chairman, a large number of republicans and Douglas democrats from all parts of the state joined. The result was that a union ticket was nominated, divided about equally between the republicans and the democrats. This judicious measure was adopted, though opposed by some of the radical wing of the republican party, for the question was simply one of union or disunion. The state, which had hitherto been decidedly democratic, was thus saved to the union beyond all doubt, and eventually became permanently republican.

Mr Corbett was solicited to accept the nomination for governor, but, having no personal ambition in this direction, he declined the honor. In the fall of 1866, without any effort on his part and without any special desire for preferment, he was chosen to the United States senate to succeed J. W. Nesmith. While in the senate Mr Corbett won a reputation for himself by his thorough practical knowledge of financial affairs, and was ever opposed to the financial heresies of the period following the conclusion of the war. The soundness of the views which he then expressed has been fully demonstrated, for the principles, if not the identical measures which he advocated, have since become a part of the policy of the government. His cogent arguments on the resumption of specie payments; on the funding of the national debt at a lower rate of interest and longer time; and his determined opposition to all plans that savored in the least of bad faith or repudiation, can be understood best as presented in his own words, recorded in the archives at the national capital, and published in the *Congressional Globe*, December 6th and 13, 1867; March 11, 1868; February 11, 1869; March 7, 1870; March 11, 1870; March 19, 1872.

On the floor of the senate he had to contend with some of the most experienced and wisest legislators of the period, several of whom are still conspicuous in national affairs. He fought, however, for good faith and the right, and time has proved that his judgment was correct in every particular, not only according to the logic of morals, but on the ground of expediency in finance, as well. An extract from his great speech delivered in the senate March 11, 1868, will show the integrity of his character, the power of his reasoning, and his eloquence in debate. Mr Corbett arose to explain the notice he gave that he would offer an amendment to the funding bill then under consideration, so as to make the bonds in question redeemable in coin after twenty years instead of ten. His remarks turned upon the bold statement of a distinguished senator, in reply to a question put to him as to what he would do provided the then bondholder would not accept the five per cent bond, that he, for one, would vote to pay off the 5–20 bonds in legal tenders, providing the holders did not see fit to exchange their securities for a bond bearing one per cent less interest than those then held by them. Said Mr Corbett:

"With such a proposition I cannot agree. The solemn obligations resting upon me as a senator, and the solemn obligations resting upon the government in this crisis of our financial struggle forbid. A struggle I say, because it is a struggle with ourselves whether we will pay our bonds as they mature, in dollars or with our irredeemable notes, made a legal tender under the pressure of war, and, as a war measure, to be redeemed with gold at the close of the war, or funded into United States bonds bearing interest that should be equivalent to gold.

"It is not for the present that I speak, but it is that great, grand, and glorious future that I see for my country looming up before me, powerful and mighty as she is to be, destined to withstand, as one day, she will, all the governments of the crowned heads of Europe, if occasion requires. I would lay our credit deep and broad not for one century, but for a hundred centuries. . . . . .

"Let us keep our armor bright and our credit untarnished and look to time, to the great future, as our remedy fer this burden. To say that we cannot pay the interest on this debt is folly; there is no such sentiment in the American heart, but, on the contrary, they are determined to do and accomplish what no other nation has the internal wealth and vigor to do. Many croakers said that we could not put down this rebellion; the people said: 'We will try.' All the people now ask is that you should try to pay the debt. As for myself, I never had a doubt that we could put down the rebellion. Neither have I had a doubt but that we can pay this debt in dollars.

Public credit should be, 'Like Cæsar's wife, above suspicion.'

"Therefore let us not crown this temple, hewn by the sweat of so many brows, reared by the blood of so many brave lads, with the capstone of repudiation. Let us do nothing as a great and noble and suffering people that shall detract from the honor of those lying silent and cold in their blood-bought graves, with naught but their country's banner over them. To me, Mr President, my duty is plain; my duty to the men that came forward to supply our suffering army, to succor our noble boys, in the day of the national darkness and despair, and to the capitalists of Germany, of Frankfort, that took our securities and spewed out the rebel bonds, and gave to us money, the sinews of war, to assist us in maintaining the life of the nation. I need not the example of other nations to tell me what is right between man and man, or between nation and nation; it needs not the shrewd argument of a lawyer to tell me what is due to my creditor; if there is any one thing that I regard as more sacred in life, after my duty to my God, it is to fulfill all my engagements, both written and implied, and nothing shall drive me from this position."

Thus from the liberal standpoint taken by Mr Corbett, the nation's honor was bound to meet the indebtedness incurred by the expenses of the war, "not," as he expressed it, "according to the strict advantages that might be taken of the law, but according to the implied obligations." To the firm attitude which he and others assumed on this long-vexed question, and to his own efforts as much as to those of any single individual, may be attributed in a measure the preservation of the national credit, and the fact that the country is now more grievously perplexed with the magnitude of its surplus than with the magnitude of its debt.

In the discussion on the currency bill on the 11th of February 1869, to which Mr Corbett offered several amendments, he also displayed powers of rhetoric and of close, logical argument, which showed him to be at least a match for the veterans of debate. His speech on this occasion was one of his greatest efforts, and without some mention of it this sketch of his career would indeed be incomplete. Pleading for a speedy return to specie payments, he said: "We cannot shut our eyes to the evil effects of our inflated and demoralized currency; its ultimate effects upon our working population in confining the production of their labor to a home market. The energy of our people is not to be circumscribed. We are young, enterprising, and seek to be the greatest producing, as well as the greatest commercial, nation in the world. We are not satisfied to sit down, like other inactive, non-progressive countries, and consume all we produce. We must expand and control the trade of other countries. Our present currency is fixed by law; it has no power of expansion as compared with the currency of the world; consequently I contend that it is the worst possible currency; it is a fixed amount, capable of being controlled by designing speculators, and local in its character, incapable of being circulated abroad and incapable of being increased from abroad."

He then called attention to the enormous exportation of gold, caused by the fact that other countries had no use for our irredeemable paper. For the year 1868, when greenbacks were quoted at from 30 to 40 per cent discount, exports of gold exceeded imports by the sum of $80,000,000, and this because we practically said to the world: "You cannot have anything we produce unless you pay us, say $1.36 for what is worth $1 in other countries." "We all know," he continued, "how difficult it is to induce a man to sell a piece of property that cost him $136,000 in what he counted dollars, for $100,000 in such money as other countries count dollars. This feeling exists with the farmer, the manufacturer, and those engaged in commerce, and nothing can remedy it until you return to specie payments. You may stimulate trade for a little time by a fresh issue of irredeemable paper. It goes to the country; it is as plentiful as rags, and finally it approaches the purchasing power of rags, and thus you have irredeemable rags for legal tender."

As to the system then adopted by the government of throwing gold upon the market whenever it rose above a certain price, Mr Corbett considered it to be hurtful in the extreme, especially to the people of the Pacific coast, who formed the gold-producing section of the community. Though they had not complained of the treasury thus depreciating the value of one of their leading products, and compelling them to sell it for less than it was worth, they had none the less good reason for complaint. What, for instance, would the farmer say, if the government were to adopt the same policy as to the commodities which they produced. In conclusion he remarked: "We are willing even to bear this unjust discrimination against the products of that portion of the country, if it tended to bring this portion of the union back to a sound healthy condition, but its tendency has a contrary effect. It is driving all the specie out of the country to Europe and to China. We are further from specie payments than a year ago. Stop the sale of gold by the treasury, and let it seek its level like all other products of the country, without interference by government to bear it down or force it up; let it assume its proper function. The world has chosen the precious metals as the standard, and I think we cannot revolutionize the world in this respect. Specie will most likely remain our standard, whatever other theories we may present. We may keep down the price for a time by unnatural appliances, but eventually, like water, it will find its level."

In the debate on the funding bill, which passed the senate in amended form on the 11th of March, 1870, authorizing the issue of $1,200,000,000 worth of bonds, in three equal portions, bearing interest at five, four and a half, and four per cent, and all redeemable in gold, Mr Corbett made many pertinent remarks. At this date the six per cents were still below par, and greenbacks at a heavy discount, while there were few who believed that bonds bearing a much lower rate of interest could be floated on the market at their face value. In the original bill it was proposed to convert $356,000,000 worth of legal-tender notes into four per cent bonds, thereby increasing the interest on the public debt by some $14,000,000 or $15,000,000 a year. Even Senator Sherman advocated such a measure, for, as he explained, by thus trying the currency to the public credit—that is to the market value of the bonds—the former would be anchored on a sure foundation, where it would rest in the hands of the people until redeemed in coin on the resumption of specie payments.

To such amateur legislation the senator from Oregon replied that legal-tender notes could not be funded, for no one would invest his currency in four per cent bonds unless money should be so plentiful that it was not worth that rate of interest. On the question of taxing United States bonds Mr Corbett expressed his opinions with his usual force and emphasis. In reply to Senator Casserly, who stated that if such bonds were exempt from taxation, those who held them would become an odious class in the community whenever there should occur a change in public opinion, he said: "I do not wish to leave this question open until there shall be that change of public opinion to which the senator from California refers, until another party shall come here, until the people who were in rebellion against us come here and desire to tax the bonds of the United States out of existence, and make them as worthless as confederate bonds. That is the idea, as I understand, of retaining a tax upon these bonds. It is for that very reason that I am in favor of negotiating this loan and reducing the interest and freeing it from every tax whatever, so that there can be no excuse hereafter for an attempt to tax the securities of the United States."

Most of the measures that Mr Corbett advocated, and more than he anticipated, have since been adopted, though not of course directly in the manner which he proposed. Specie payments have been resumed; the national debt has been funded at lower rates of interest, with extended time, and United States bonds are exempt from all taxation. We have seen the four per cents, which it was supposed could not be placed on the market except at a heavy discount, sell for more than thirty per cent premium, and for the first time in the history of the nation, our government securities have sold for higher prices, in proportion to the income they return, than the British three per cent consols. Until recent years the latter were considered the best security in the world; but the prestige of national credit, following the course of empire, has settled at length on these western lands.

Thus, somewhat at length, for his career has been an exceptional one, we have reviewed the political life of one of the foremost statesmen of the Pacific coast. That he has left his impress not only on the records, but on the destiny of the nation none will care to dispute. We would that there were more such men in the chambers of our national and local legislatures, men whose heart and mind were intent on their work and not on their pay, their mileage, their allowance, and their schemes for self-aggrandisement.

It remains only to be said that Mr Corbett was a delegate to the national republican convention which nominated Grant and Colfax in 1868. He has always taken an active interest in politics, though never anxious for official preferment for himself. During the war, though Oregon was far from the seat of active operations, loyal citizens here were not lukewarm in their sympathy with and support of the cause. As an active member of the Christian commission, much was done by Mr Corbett, in an unobtrusive way, to promote the comfort of the union soldiers, and to encourage them through the dark days of the struggle.

Mr Corbett was married in February 1853 to Miss Caroline E. Jagger, who died in 1865, leaving him two sons, both born in Portland, the younger of whom, Hamilton F. Corbett, died several years ago. The elder is Henry J. Corbett, about thirty years of age, who manifests the ability and the disposition to take up and carry forward successfully through another generation, the work of his father. After graduating from Lawrenceville academy, N. J., he took his place in the bank at the foot of the ladder. He has risen step by step, until he has won for himself the responsible position of assistant cashier. He has grown with the bank, is acquainted with all its operations, and can be depended upon to keep the credit balances in good condition. He is a stockholder and director, and is also identified as director with other corporations. The distinguishing traits of his character are thoroughness and determination. He gets to the bottom of whatever he undertakes; if anything has to be investigated his services are called into requisition. He is dignified and courteous in demeanor, and unlike most other young men occupying his place and having his prospects for the future, he is unassuming and modest. He appreciates the counsels of his father, and realizes that life without an aim is not worth living; that every man is accountable to his fellows and to himself for something accomplished by his individual efforts and talents. He would have chosen a profession but for the business demands upon him as his father's successor. He possesses a fine physique; is six feet in height, straight as an arrow, symmetrically formed, athletic, and a bold and tireless sportsman, and assuredly he is a young man upon whom his father's mantle will fall gracefully.

In 1867 Mr Corbett was again married to Miss Emma L. Ruggles of Worcester, Massachusetts. At the time of her marriage Mrs Corbett was twenty-one years of age—quite young to assume the social and domestic responsibilities that devolved upon her, for she at once took position in the social circles of the capital as a senator's bride and as a mother to his two sons. There are few young ladies who could have borne themselves so becomingly in this new sphere. Mrs Corbett was endowed with remarkable grace of manner and a refinement of wit in repartee that won her many admirers at Washington.

Mr Corbett's Portland residence is one of the most attractive in that city of elegant dwellings. Its interior appointments are in excellent taste, and accord with the wealth and position of the proprietor; the ample grounds about his house are ornamented by a number of beautiful elms that were brought by him as mere twigs, their roots packed in moss, from New England by way of Panamá. Taking kindly to this soil, they have developed in size, and widened the circle of their shade from year to year, conspicuous by their origin and their adaptability. So their possessor, true to his inherited qualities and education, has grown in power and favor under new and sometimes strange conditions.

Mr Corbett is a man of distinguished appearance, being six feet in height, straight and spare built, but symmetrical. His manner is courtly and graceful. He is gentle and courteous in address—a man whom Americans are not ashamed to point out as a specimen of a United States senator. His hair was brown, but now iron gray, rather contributing to the dignity of his presence. His eyes of hazel color are soft and restful when he is in repose, but bright and sparkling when he is exhilarated. His face betokens kindness and good will; his smile is cheerfulness itself. He impresses you as a man who has succeeded in life by patience and the economy of reserve force, rather than by exhausting effort and precipitate action; as one possessing an invincible power to labor and to wait. He is totally free from assumption or mannerism; direct and natural in every expression. He is a good listener. He is never self-assertive or eager to forestall others in conversation, only speaking when the fullness of the occasion gives additional weight to his words. His ordinary tones are low and soft, without special emphasis or artifice, as though he rather left his thoughts to express themselves than to derive vitality from the utterance. In other words he speaks less as the cunning rhetorician than as the practical philosopher. It would seem that the tranquility of his life is mirrored in the evenness of his speech. His expression is not weak, however; there is an element of strength in it which comes from truth, and inspires confidence. It is precise and decided. When he has said "no" you feel that his stand is taken, and his determination fixed; for his firmness is of the mind, not of the tongue. The attention he secured, and the influence he wielded in the senate demonstrate that he can raise his voice in public assemblies so as to be heard and felt. That he can be roused to fairly punish an enemy is likewise evident from the purchase of the *Oregonian* in 1872, which he soon made the medium of publishing the news at so great a cost that Ben. Holladay's unfriendly *Bulletin* was soon driven to the wall, whereupon Mr Corbett got out of the newspaper business with the same alacrity that he had engaged in it. That he is popular goes without saying. But that is not all. He is lovingly and kindly regarded by his neighbors. It would be hard to find anyone in this community who envies him in his prosperity, nor who does not feel that so long as one man may or must have more than another of this world's goods, he is worthy of the distinction, and may be safely trusted with the stewardship of great wealth.

He was in every way equipped mentally, morally, and physically to enter the north-west as a pioneer and builder. Chronicle clearly the lives and experiences of men of his quality and calibre who have been identified with the settlement and progress of the Pacific coast, for the last thirty-five or forty years, and apart from them what would there be of vital historical interest to record? A skeleton of statistics alone would remain. They did not contribute their talent, energy, and enterprise toward laying the foundation and then give way to demoralizing surroundings; to them belongs the credit for the superstructure also. Theirs are the substantial and ennobling conquests of peace, in comparison with which the achievements of military captains are small and insignificant. It may be many years to come, but there is a period in the future when civilization in all its most desirable ends will have reached as high a degree in Oregon as was ever attained in Greece or Rome in their loftiest developments. There can be no doubt of this consummation. Whose lives then, as factors in this accomplishment, are more profitable to preserve for study by posterity than such as that which I now present to the reader?

CHAPTER XIII.

LIFE OF SOLOMON HIRSCH.

THE REWARD OF SELF HELP—SUCCESS ATTENDING APPLICATION TO BUSINESS AND STRICT INTEGRITY—A FACTOR IN OREGON'S GROWTH—REMARKABLE LEGISLATIVE CAREER—RECOGNITION OF ABILITY AND CHARACTER—A MAN WHOM THE PEOPLE APPRECIATE—UNITED STATES EMBASSADOR TO TURKEY.

MANY men have made their mark in the senate of Oregon since the first legislative body assembled in 1843, in an unoccupied barn in Oregon City. The pioneers who had travelled for more than two thousand miles through what was then known as the American desert, braving perils and hardships, to found a new empire on the shores of the Pacific, could be trusted to frame a constitution which provided equal rights and liberties for every citizen. That its provisions were well considered is evident from the fact that most of them were ratified in the organic act of 1848. In later years the state has been equally fortunate in securing for its law-makers men of character and ability, with heart and brain intent on their work, and not on their per diem, their allowances, and their own personal designs. Worthy of mention among these is Solomon Hirsch, who served for three successive terms as senator for Multnomah county, the incidents of which long and useful career no one recalls without credit to the man and satisfaction to his constituency. It is not only, however, as a legislator, but as a merchant, as a member of society, and above all, as a public-spirited citizen, that the record of his life merits a place in the annals of his adopted state. To men of this stamp is due the prosperity which Oregon enjoys as one of the most steadily progressive sections of the union, and which Portland enjoys as the second commercial emporium on the Pacific coast, as the seat of manufacturing enterprise, and with a volume of trade that would do credit to a city with thrice her population. Take from the history of nations or of states the achievements of such men, and that which remains is seldom worth recording. Their lives ~~is~~ are the life of the country.

Mr Hirsch was born on the 25th of March 1839, in Würtemburg, Germany. His father was a poor man, who had a hard struggle to maintain a large family of children; his mother belonged to an old and much respected family of the name of Kuhn, all of whose members had long been residents of that country. On both sides his parents were of Hebrew extraction, and of the Hebrew faith, and his seven brothers and four sisters all adhered to the religion of their forefathers.

After completing his studies he came at fifteen years of age to the United States, in company with his brother Edward, who later served two consecutive terms as state treasurer of Oregon. He at once obtained a clerkship at New Haven, Connecticut, where, however, he remained only for a few months, proceeding thence to New York city, and soon afterward to Rochester, New Hampshire. There he remained as a clerk until 1858, when he removed to Oregon. After a brief residence in Salem, he engaged in business at Dallas, and three years later at Silverton, in partnership with his brother. At both points he was very successful, and there laid the foundation of his fortune. But the sphere of operations was too contracted for a man of his enterprise and ability, and in 1864 he went to Portland, where he established a general wholesale business on the west side of Front street in connection with L. Fleishner and A.

Schlussel, under the firm name of Fleishner and company. Thus it continued until 1874, when Jacob Mayer, a wholesale dry-goods merchant was admitted into partnership, and the style of the firm was changed to Fleishner, Mayer and company, which name it retains.

Business increased rapidly, so that in the following year more extensive premises were needed, and they became acknowledged as the leading dry-goods house on the Pacific coast, outside of San Francisco, while their sales far exceeded those of some of the more pretentious establishments in that metropolis. This result is largely due to the energy and zeal of Mr Hirsch, who for several years devoted nearly one-half of his time to travelling as a salesman, thus becoming acquainted with many of the most prominent men, not only in Oregon, but in Washington and Idaho. During these journeys he became intimate with business men throughout the northwest, to whom he so commended himself, that, as a friend of his remarked, "he bound them to him with bands of steel."

Between 1866 and 1868 the firm was interested in the Brownsville Woolen Manufacturing company, the products of which, valued at about $150,000 a year, and consisting mainly of cassimeres, doeskins, tweeds, flannels, and blankets, were marketed in Oregon, California, Idaho, and Washington. In the latter year, however, they disposed of their stock, and since that date have taken no further interest in the concern. Among the reasons for their withdrawal was probably a decrease in the demand for the products of the mill, caused by the greater volume of eastern goods shipped to this country during the years that followed the conclusion of the war. On account of the high rates of wages, taxation, and interest, the cost of fuel and water, and other drawbacks, such enterprises at that time found little favor with local capitalists.

With numerous enterprises beneficial to the community, Mr Hirsch has been closely identified, aiding to organize and build them up, and taking stock in others, to which he was unable to give personal attention. The success of many such undertakings has been due to his executive ability. Among his other interests apart from the firm may be mentioned his investments in real estate, which he considers the soundest and safest of all his business ventures. The correctness of his judgment is proved by the rapid and continuous advance in the values of realty, which for several years ending with 1881 increased on an average, within the city limits of Portland, twenty per cent annually, while for 1880, the appreciation was forty per cent. In the estimation even of the most conservative men, this advance was entirely legitimate, in view of the rapid strides made in railroad construction and the vast number of immigrants settling on lands tributary to Portland.

That part of the Pacific coast which is included in the United States has long been noted for the number of its millionaires, and nowhere is there a larger proportion of men who, if they do not count their wealth by millions, are possessed of abundant means, than in the city of Portland. In no other land is there so large a percentage of rich men who began life at the beginning. Out of every fifty men who may be called wealthy not more than two or three at most brought to this country as much as $50,000, and of those who retained even what they brought, though they may since have gathered wisdom from experience, the proportion is but little greater. Among the former there are not a few who are ashamed of their early poverty or early associates; but most of our capitalists who began life in some humble capacity, as a clerk in a store, a purveyor in a mining camp, a retail tradesman, or even driving a team or handling a pick, have the manliness and good sense rather to be proud of their early career, mingling freely with the friends of their early days, and ready to extend a helping hand to those who need assistance. Such a man is Mr Hirsch, for though now enjoying all the blessings of life, an ample fortune, a constitution unimpaired by dissipation or excess, the society of family and friends, the respect and good-will of his fellow-men, and a position in the ranks of commerce, society, and politics of which he may well be proud, he remembers without shame or regret when he was himself an almost friendless youth struggling to gain a foothold. Nor are these results due to accident. They have been achieved by the exceptional force of character, the marvellous energy and the iron will of one in whose vocabulary there is no such word as fail. The leadership of such men is inevitable. In physique Mr Hirsch is a remarkable specimen of mature and vigorous manhood. Nearly six feet in height and with a powerful and well-developed frame, he is one whose stature and build would alone attract attention. With regular and well-shaped features, jet-black hair and beard of luxuriant growth, dark, penetrating eyes, and a lofty and spacious forehead, his appearance fully justifies the reputation which he enjoys as one of the most intelligent looking men in Portland—indeed, a type of the Hebrew race, to which, in its normal development, Arnold Guyot ascribes a rank second only to the Greek in intellectual and physical character. Mr Hirsch has been identified with the republican party in Oregon since 1864, and has become one of its ablest and most prominent leaders. In that year it happened that his eldest brother, Mayer, then a prominent merchant in Salem, went to the eastern states. It occurred to Solomon Hirsch that his brother was well qualified for the position of delegate to the republican national convention, soon to be held at Baltimore. He proceeded to Albany, where the state convention was to meet, and broached the matter to a few of his friends, all of whom were in favor of his project. After a sharp struggle he succeeded in securing his brother's election, the remaining delegates from Oregon being Josiah Failing, Thomas H. Pearne, Frederick Charman, Hiram Smith, and J. W. Souther, all men of ability and prominence. Thus was the state represented at the second nomination for the presidency of Abraham Lincoln. Of Mayer Hirsch it remains only to be said that his tact and ability soon brought him to the front rank of his party, and that no one was more deeply regretted than he when, a few years later, during a business visit to New York, his career was cut short by a fatal sickness. In 1872 Mr Hirsch was elected a member of the lower house for Multnomah county, which holds the control in the legislature of Oregon. In recognition of his acknowledged financial ability, he was appointed a member of the committee on ways and means, in which capacity he used all the weight of his influence in support of the first appropriation for the building of the state capitol. In 1874 and again in 1878 and 1882 he was chosen by the same county for the state senate, on each occasion by an increased majority, while having pitted against him the very best men whom the democrats could bring forward. His first opponent was Judge Strong, a most able and popular candidate; and it is worthy of note that Mr Hirsch was the only one selected in opposition to the independent ticket, which then almost swept the field. In 1878 his opponent was J. B. Congle, a successful business man of Portland and one who had been honored with many public offices. During his second term he was chosen president of the senate by the unanimous republican vote of that body, and while in that position his knowledge of the rules of procedure, his rare executive ability, and his strict impartiality gained for him the approbation even of his political adversaries. In 1882 he defeated John Catlin by nearly 1,200 votes. This being the largest majority ever returned in the election of a state senator is sufficient evidence of the popularity which he then enjoyed. In April of this year, at the state convention held at Portland, he was unanimously recommended by the republican delegation from his county as a member of the state central committee, of which he was afterward appointed chairman. To his able management of the campaign, which resulted from the first time since 1870 in the election of a republican governor, was largely due the disastrous defeat of the democrats. Never, it is said, in the history of the state was a political campaign more skilfully organized or more ably managed. In this year, also, he endeavored to secure the election of Mr Mitchell to the United States senate, but after a protracted struggle, was compelled to retire from the contest, the choice of the republicans finally centering on Senator Dolph, who was, however, among Mr Hirsch's warmest political friends. In 1885 Mr Hirsch was proposed for United States senator. It was a memorable occasion. The balloting went on continuously for forty days, Sundays excepted, during all of which time he did not lose a single vote. Finally, it was found impossible to come to a decision, and thus for the first time since her admission, the state of Oregon was without her proper representation in congress. On the last day of the session a convention met at noon with a view to make a selection, and continued its labors until eleven o'clock at night. Meanwhile Mr Hirsch called for a recess, in order that the republicans might bring forward another candidate; but to no purpose, for after casting some forty ballots, the senate adjourned without making a choice. During the next session he refused to permit his name to appear, Mr Mitchell thereupon being selected, and at the expiration of his term he retired from politics, except that in 1888 he allowed himself to be elected a member of the republican state convention. Many were the regrets of his friends and of his party when the member for Multnomah county appeared for the last time on the floor of the senate chamber, for none were more respected and by no one could his place be filled. For he was admirably fitted for leadership, not only by his intelligence and commanding presence, but by other essential qualities. Calm and imperturbable amid the strife of debate, he allowed nothing to ruffle his temper, or to bias his judgment; once assured that he was in the right, he knew not how to yield. Ever watchful of the interests of his constituents and of his party, there were few who could support its measures with more cogent arguments, or could detect more readily the weak points in those of his opponents. Though not an orator, or at least not given to rhetorical display, he was a terse and forcible speaker, expressing his ideas in neat and simple phrase, and always in words suited to the moment and the place. Regarding his career as a statesman, Mr Joseph Simon, himself a conspicuous republican leader, and president of the state senate in 1889, remarked: "Mr Hirsch first became closely identified with politics in 1872, when he was elected to the legislature, being chosen state senator in 1874 and except for a period of two years serving continuously until 1886. He was regarded as a suitable man to represent the business element in the community, and for that purpose he was selected. At the session of 1885 he was voted for and was the choice of the people and of the legislature for United States senator, but after long protracted balloting was not elected, though he lacked only three or four of the required number of votes. To his efforts, as chairman of the republican state central committee in 1882, is attributed the success of the party in the campaign which followed. He is a man of great ability, with remarkable power of organization, and well acquainted and extremely popular throughout the state." And thus speaks Matthew P. Deady, United States district judge for Oregon: "I knew Mr Hirsch in 1858, when he first came to Oregon. He was one of the handsomest men I ever saw, tall, erect, well built, and with beautiful hair and beard. Some years ago he was drawn into politics, being the republican nominee first for the assembly and afterward for the senate, and soon became the controlling power in his party, having in his hands the making and unmaking of others. Notwithstanding his long career as a politician, and his intercourse with all kinds of people, there is nothing to be said against him; he is a most conscientious man, temperate in his habits and much devoted to his family. He should have been sent to the United States senate, for he had a majority of his party's votes. But for his own sake, it was, perhaps, better that he subsequently withdrew from the contest, for such a career would have interfered too much with his business interests." On the 1st of February 1870 Senator Hirsch was married in the city of Portland to Miss Josephine Mayer, the daughter of one of the partners in the firm of which he is still an active member. A native of Louisiana, Mrs Hirsch removed with her parents to California when only two years of age, and afterward became a resident of Portland, where she has long been one of the leaders in society and is universally esteemed for her many estimable qualities. Their four children are all natives of Portland, where they attended school, for the senator is satisfied with the excellent local facilities for education. When only sixteen years of age, their only son had outgrown his father in stature, being then six feet one inch in height, and already gave promise of an honorable and useful career, such as that which his father can now look back upon with a consciousness of a well-ordered and blameless life. In 1889, in recognition of his fitness for the office, his substantial popularity and his valuable service to the party of the administration, President Harrison appointed him as embassador of the United States at the court of Turkey. The distinction was totally unsolicited on the part of Mr Hirsch, nor was he aware of the appointment until it had been procured for him through the friendly zeal of the leaders of the republican party, who were eager to acknowledge in a becoming manner their own indebtedness to him and, also, to gratify their constituency. Coming to him as it did he was much gratified and fully appreciated the compliment. He is not unaware of the responsibilities that are involved in the exalted position to which he has been called, and those who know him need no guarantee that he will be equal to any emergency that may arise, or that he will discharge the duties of his trust with dignity and credit. When, October 25, 1889, after many expressions of congratulation and good-will had been offered him in public and in private, he left Portland for Constantinople, he carried with him the universal confidence and affection of the community, their only solicitude being that his health, which had been impaired a short time before by a severe illness, might be reëstablished by travel and change of scene. His fond wish was to keep his family together with him at all times, but he yielded to the importunity of his son, who is ambitious to enter commerce, at once, and allowed him to remain with the business house.

CHAPTER XIV.

LIFE OF LA FAYETTE GROVER.

MASSACHUSETTS COLONY—GROVER FAMILY IN AMERICA—LA FAYETTE GROVER'S EARLY EXPERIENCES—COMING TO OREGON—PROSECUTING ATTORNEY—MEMBER OF THE LEGISLATURE—OFFICER OF VOLUNTEERS—MEMBER OF CONGRESS—BUSINESS AFFAIRS—GOVERNOR OF OREGON—UNITED STATES SENATOR—CHARACTER.

AMONG those who in 1630 accompanied Governor Winthrop's colony from England to Massachusetts were Thomas Grover and his wife Eliza. They finally settled near Charlestown, "on the mystic side," now Malden, and took part in founding the first church in that town. Three grandsons of these first settlers in 1702 bought wild lands in the north precinct of Taunton, afterwards included in Norton, now Mansfield, Massachusetts, which had originally been granted to Captain Miles Standish for defending the colony against Indians, and made their homes there. They joined in organizing the first church in Norton, which about that time was incorporated by itself, and one of them became a deacon of this primitive church. James Grover, a descendant of one of these, with five sons and three daughters, removed in 1781 to a wilderness district in Oxford county, Maine, now Bethel, where he organized the first church of that settlement, becoming its senior deacon. The early Grovers in Massachusetts intermarried with the Austins, Chadwicks, Coxes, and other substantial New England families. They were deacons in the church, and selectmen of the towns in which they lived, "in good old colony times." They served in the early Indian wars in New England, in the old French war of 1755 for the reduction of Canada to English rule, and in the war of the revolution. John Grover, eldest son of Deacon James Grover, was the proprietor's agent in surveying and laying out the town of Bethel, and in constructing roads to connect it with neighboring towns. The Grovers purchased extensive tracts of land in the southwest quarter of the town, extending from the Androscoggin river up to a series of elevations then and now called Grover hills, where they established the permanent homes of the family in Maine. Here, in 1783, was born John Grover, the son of John, a distinguished physician, surgeon, and scholar, who for more than fifty years practised his profession throughout that part of the state.

Dr Grover served as an assistant-surgeon in the war of 1812. He was a member of the convention which framed the constitution of Maine in 1819, and after the admission of the state to the union he served in both branches of the legislature for several years. But when in 1830 it became necessary for him to choose whether he would give his services to the public or to his profession, he definitely chose the latter, and ever afterwards during a long life was wholly devoted to its practice. He accepted the position of surgeon-in-chief of the military forces called into service under General Scott to repel the invasion of Maine by British troops in 1837, during the dispute between Great Britain and the United States as to the northeastern boundary of that state. Dr Grover was an enthusiastic promoter of education of all classes, and for thirty years he was president of the board of trustees of Gould's academy in Bethel, of which he was one of the founders. He died in 1867.

He was the father of four sons, Abernethy, Talleyrand, La Fayette, and Cuvier, and of two daughters who died young. The three elder sons were chiefly educated at Gould's academy, Bethel, and at Bowdoin college; the youngest son at West Point military academy.

Major Abernethy Grover followed a business career; served as a member of the Maine legislature, and of the governor's council of that state; and throughout the late civil war he served as captain and major of the 13th regiment of Maine volunteers. By appointment of President Cleveland, he was register of the United States land office at Miles City, Montana.

Professor Talleyrand Grover was for nine years professor of languages in Delaware college, at Newark, Delaware; a part of this period he was instructor of the modern languages, of which he was a perfect master, having spent some time in Europe in their acquisition. He was afterwards professor of Latin, Greek, and Hebrew, in which languages he was equally versed. He resigned his position to pursue his literary studies abroad. He was a young man of great brilliancy and promise, but died prematurely at the university of Upsalla, in Sweden, in 1859.

General Cuvier Grover graduated at West Point in 1850. During his whole course at that institution, after the first year, his name appeared in the list of distinguished cadets annually published in the army register. His history is well known as the distinguished division commander of that name during the late war. He died at the early age of fifty-eight, his life being cut short by extreme hardships and wounds incident to his military services.

La Fayette Grover, the subject of this sketch, who became the first representative in congress from the state of Oregon, and afterwards governor of that state and senator of the United States, was the third son of Dr John and Fanny Grover. The mother of this family, a woman of marked character, was a descendant, on the mother's side, of the Woodman family of

Massachusetts, whose first ancestor came from Newbury, England, and settled in Newbury, now Newburyport, in 1635, and who was one of the early magistrates of the town. Governor La Fayette Grover was born in Bethel, Maine, November 29, 1823, was educated at the classical academy of that town, and at Bowdoin college, Maine. He studied law in Philadelphia under the instruction of the late Asa I. Fish, and was admitted to the bar there in March 1850. Late in the autumn of that year he took passage on a merchant vessel bound round Cape Horn to San Francisco, where he arrived in July 1851, and in the next month he arrived in Portland, Oregon, by the old steamer *Columbia*, then on one of her early trips. He at once proceeded to Salem, the capital of the territory, and established himself as a lawyer. The first regular term of the United States district court was held at Salem in the following month, and on the invitation of Chief-justice Nelson, who presided over the court, Mr Grover became the clerk, stipulating that he would accept the position temporarily, and until a suitable successor could be appointed. He held the office six months, obtaining an excellent acquaintance with local court procedure, and with jurors, witnesses, and litigants. The following spring, resigning the clerkship, he formed a law partnership with Benjamin F. Harding. With him Mr Grover at once entered upon a general and lucrative practice, which lasted for several years.

In 1852 he was elected by the legislature prosecuting attorney of the second judicial district of the territory, which district then extended from Oregon City to the California line. In 1853 he was elected and served as member of the territorial legislature. During the summer of this year serious hostilities of the Rogue River Indians occurred in southern Oregon, and Mr Grover was appointed by Governor Curry recruiting officer to raise volunteer troops to aid the settlers against the hostiles. This was promptly done, and a company was at once mustered at Salem, of which J. W. Nesmith was elected captain and L. F. Grover first lieutenant. These troops, with a pack-train loaded with arms, ammunition, and supplies, hastened south to the aid of the hard-pressed settlers in southern Oregon. At the close of hostilities in September, Mr Grover appeared as deputy United States district attorney in the district courts in the southern counties, then being held for the first time by Judge M. P. Deady. Congress having assumed the compensation of settlers whose property had been destroyed by hostile Indians during the Rogue River war of 1853, Mr Grover was appointed one of the commissioners to assess the spoliations, and served as president of the board, in 1854. He was again returned as a member of the legislature from Marion county in 1855, and served as speaker of the house during the session of 1855–6.

During this period the combined Indian tribes from the California line to the British boundary attacked the frontier settlements in a determined manner throughout Oregon and Washington, and two thousand volunteers were called into the field to coöperate with the regular forces for their suppression. In this movement on the part of Oregon Mr Grover aided in raising troops, and served in the field throughout the Yakima campaign on the staff of Colonel Nesmith. He served the following year as a member of the military commission, appointed by the secretary of war under authority of an act of congress, in auditing and reporting to the war department the expenses of Oregon and Washington incurred in suppressing Indian hostilities of 1855–6. On this commission his co-laborers were captains A. J. Smith and Rufus Ingalls.

The people of Oregon having resolved to form a constitution, and to apply for admission to the union as a state, the voters of Marion county elected Mr Grover a member of the convention which was convened for that purpose at Salem in 1857. In that convention he served as chairman of the committee on the bill of rights, and as member of several other important committees, and took an active and prominent part in giving direction to the work of that body.

Upon the holding of a general election under the constitution of the new state, Mr Grover was returned as the first representative in congress from Oregon. The chief work of the Oregon delegation at this time was devoted to securing the admission of the state to the union, and the assumption of the Oregon Indian war debt.

Retiring from the thirty-fifth congress, he devoted himself almost exclusively for ten years to professional and business pursuits. He formed a law partnership at Salem with the late Joseph S. Smith, subsequently member of congress, which was afterwards extended to Portland, including W. W. Page. This firm conducted a very important and lucrative practice throughout the state for several years.

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Taking an early and active interest in the establishment of manufactures in the new state, Mr Grover, with some others organized the Willamette Woollen Manufacturing company at Salem in 1856. This corporation had in view the introduction to the state capital, by canal and natural channels, the waters of the Santiam river as power for general manufactures. He became one of the directors of the company, and remained in this connection for fifteen years, during which period this, the first broad enterprise for manufactures in Oregon, attained large proportions and great success.

In 1860 Mr Grover purchased the shares of Joseph Watt in this corporation, and became owner of one-third of all the mills and water-power of Salem. From 1867 to 1871 he was manager of the company. Under his direction the Salem flouring mills, which had been begun, were completed, including the putting in of all the machinery and works. and constructing a steamboat canal from the river to the mills. These flouring mills were a marked success from the start, and were the first direct shippers of Oregon flour by the cargo to foreign countries. The operations of this company were great stimulants to the growth of wheat and wool in early Oregon, and facilitated many other business enterprises in all directions. The unfortunate destruction of the Salem woollen mills by fire occurred subsequently to Mr Grover's retirement from the company.

In 1866 he presided over the democratic state convention of that year, and was elected chairman of the state central committee, which position he held for four years. During this period the democratic party attained the ascendancy in the politics of the state, which it had not had since 1860.

In 1870 Mr Grover was elected by the democratic party as governor of the state for four years, and in 1874 he was reëlected to the same position, which he held till 1877, when he entered the senate of the United States, having been elected to that position by the legislative assembly at its September session of the previous year. In his canvass for the governorship he based the chief issue on the abrogation of the Burlingame treaty with China, though the subject was not mentioned in the platform of either political party.

During Governor Grover's term as chief executive, which lasted nearly seven years, many changes took place, and unusual progress was made in business enterprises, and in the general condition of Oregon. His first step as executive was to put in force a law which had been enacted two years previously, but not executed, providing for tugboats at the mouth of the Columbia river, and a subsidy for their support. This movement gave the first reliable basis for a coastwise and foreign commerce from Oregon's great river, which took root vigorously, and has increased ever since to its now strong proportions.

He favored the construction of the locks at the Willamette falls by a private company, assisted by aid from the state. The project was successful, and opened the Willamette river to competition with the railroads, and reduced freights throughout the Willamette valley to such extent as to stimulate greatly farm production and general commerce.

Another object of his administration was the securing to the state the segregation and patenting of all public lands to which Oregon was entitled under various grants by congress, and a recognition of her rights to the tide lands which she held by reason of her sovereignty as a state. All these rights became recognized, and a large proportion of these lands was secured to Oregon during Governor Grover's administration.

He also favored the erection of permanent public buildings for the state, and during his term of office penitentiary buildings and the statehouse were erected of permanent and enduring structure, an example of economy and honesty in public work. One feature may be noted in these buildings: they were erected at an expense inside of the estimates of the architects—quite unusual in such cases. While the statehouse was not at first carried to full completion, its mason work was all done, the entire roof put on, and so much of the interior was finished as to render it suitable for the convenience of the state offices, the legislature, and the supreme court.

The grants by congress for the establishment and support of a state university and for an agricultural college in Oregon having been secured and utilized, Governor Grover interested himself in promoting the organization of these institutions, which was also accomplished during his term of office. There was also, during the same period, founded at Salem the institution for deaf mutes and the school for the blind.

Having labored to secure to the state the indemnity common school lands, held in lieu of those occupied by settlers before the public surveys, and the proceeds of their sales having been invested for common school revenues, the period had arrived for a more complete organization of the public school system of the state, and for its support out of the public funds thus utilized. This important foundation work was also accomplished, and the first distribution of public funds by the state in support of common schools in Oregon was made during the term of Governor Grover as chief executive.

In his inaugural address to the legislative assembly in 1870 he presented the subject of Chinese exclusion, and favored the abrogation of the treaty between the United States and China of 1868, commonly known as the Burlingame treaty. The legislature of that session, on his recommendation, memorialized congress to that effect, and from that time forward, until from his seat in the senate of the United States he voted for bills excluding the Chinese, and for a modified treaty with China, both of which prevailed, he never abated his zeal in promoting this movement.

An effort was made in the legislature of Oregon in 1870 to initiate a system of subsidizing railway corporations by bonding cities and counties in their favor, as inducements to the construction of their roads. A bill was passed by both houses, by more than two-thirds majorities, authorizing the city of Portland to issue its bonds in the sum of $300,000 in favor of Ben Holladay, to induce him to build the railroad up the west side of the Willamette valley, making its principal terminus at Portland. This bill was considered by the governor as against public policy, and as against distinct provisions of the state constitution. The bill was vetoed in a message which settled the policy of the state on the subject of public grants of money to railway corporations as long as the present constitution of the state exists. This veto having been filed subsequently to the adjournment of the assembly went over as an issue in the elections which returned the following legislature, and the veto was almost unanimously sustained by the senate, where the bill originated, only one vote being given against it. So that Oregon has been and now is entirely free from public debt, both general and local, growing out of the construction of railways, which has been the source of much embarrassment to the new western states.

The memorable contest for the presidency of the United States in 1876 between Hayes and Tilden raised an electoral question in Oregon. In this case Governor Grover held, on issuing certificates of election, that under the injunction of the constitution forbidding a federal officer to be appointed a presidential elector, the votes cast for him were void, and as if never cast. And he gave the certificate to the candidate having the next highest vote. This decision was far-reaching, as the contested vote in Oregon held the balance of power in the electoral college if all other contested votes in Louisiana and Florida should be counted for Hayes. And it called for the organization of the electoral commission, which overruled the governor's decision. But he desires it understood that on reëxamination he adheres to his original view.

Having been elected senator from Oregon, he took his seat in the senate of the United States in March 1877.

In that body he served as member of the committees on military affairs, public lands, railroads, territories, manufactures, and private land claims.

His chief efforts during his term as senator were to secure a settlement of the Indian war claims of Oregon; to promote the completion of the Northern Pacific railway; to obtain liberal appropriations for the surveys and improvement of the rivers and harbors of Oregon and the Pacific northwest coast; and the extension of the government surveys of the public lands west of the Rocky mountains. He also labored constantly for the modification of our treaties with China, and for the enactment of laws excluding the Chinese from immigrating to this country. He made speeches on the extension of time to the Northern Pacific railway company for the completion of this road, on the several Chinese exclusion bills, and in secret session on the ratification of the treaty with China modifying the Burlingame treaty of 1868, and on other subjects.

His health being impaired, Mr Grover determined on his retirement from the senate, in 1883, to withdraw from public life, and in future to devote himself exclusively to his personal and private business affairs, which had long suffered neglect.

Not proposing to return to the practice of his profession, he entered vigorously upon the improvement and disposal of tracts of real estate immediately adjacent to the city of Portland, owned in part by himself and in part by his wife.

Having purchased a quarter interest in lands now known as Carter's addition to Portland several years prior, he joined with the other owners in laying out and establishing that extension of the city. In 1884 Mr and Mrs Grover laid out and dedicated a tract of high land belonging to her, the gift of her parents, in the northwest elevation of the city, as Grover's addition to Portland, naming it Portland Heights, which name became so contagious that all the high grounds now forming the southwest part of the city bear that name. As a business movement these enterprises have proved a great success, and these broken hills, once so forbidding, are now occupied with fine residences, and form a most beautiful and attractive part of Portland.

Mr Grover has made other real estate investments to the west of the city, in the path of its future extension. He became one of the original incorporators and stockholders of the Ainsworth National bank of Portland in 1885, and later of the Portland Trust company of Oregon. He is also interested in the Portland Building and Loan association, and in the Portland Cable Railway company. He has also invested in coal lands. He is an honorary member of the Portland board of trade, and takes a lively interest in the rapidly increasing commerce of Oregon.

Mr Grover was married in 1865 to Miss Elizabeth Carter, youngest daughter of the late Thomas Carter, an early resident of Portland, who was one of the most successful merchants and real estate owners of that city, and one of the proprietors of the town. It is almost unnecessary to say that Mrs Grover is one of the well-known women of the state, a lady of high accomplishments and culture, and of artistic tastes, possessed also of beauty and a graceful and distinguished manner. Throughout all the varying fortunes and misfortunes of her husband—for he has at times met with adverse currents—she has been his steady companion and support. They are communicants of the episcopal church.

Their son, John Cuvier Grover, a youth of twenty-three summers, so named after his grandfather and uncle, the sole offspring of this union, was educated at the Peekskill military academy, New York, and is now completing his studies in Europe.

Thus we have traced the leading incidents of the career of La Fayette Grover, scholar, lawyer, law-giver, and man of business. In appearance he is a man of imposing presence, six feet in height, and with a slender but vigorous and well-proportioned frame. His strongly marked but regular and expressive features bear the stamp of intelligence and power, while in his steel-blue, deep-set, penetrating eyes may be read the determination and force of will characteristic of one who has raised himself to a foremost rank among the statesmen of Oregon, and to a national reputation.